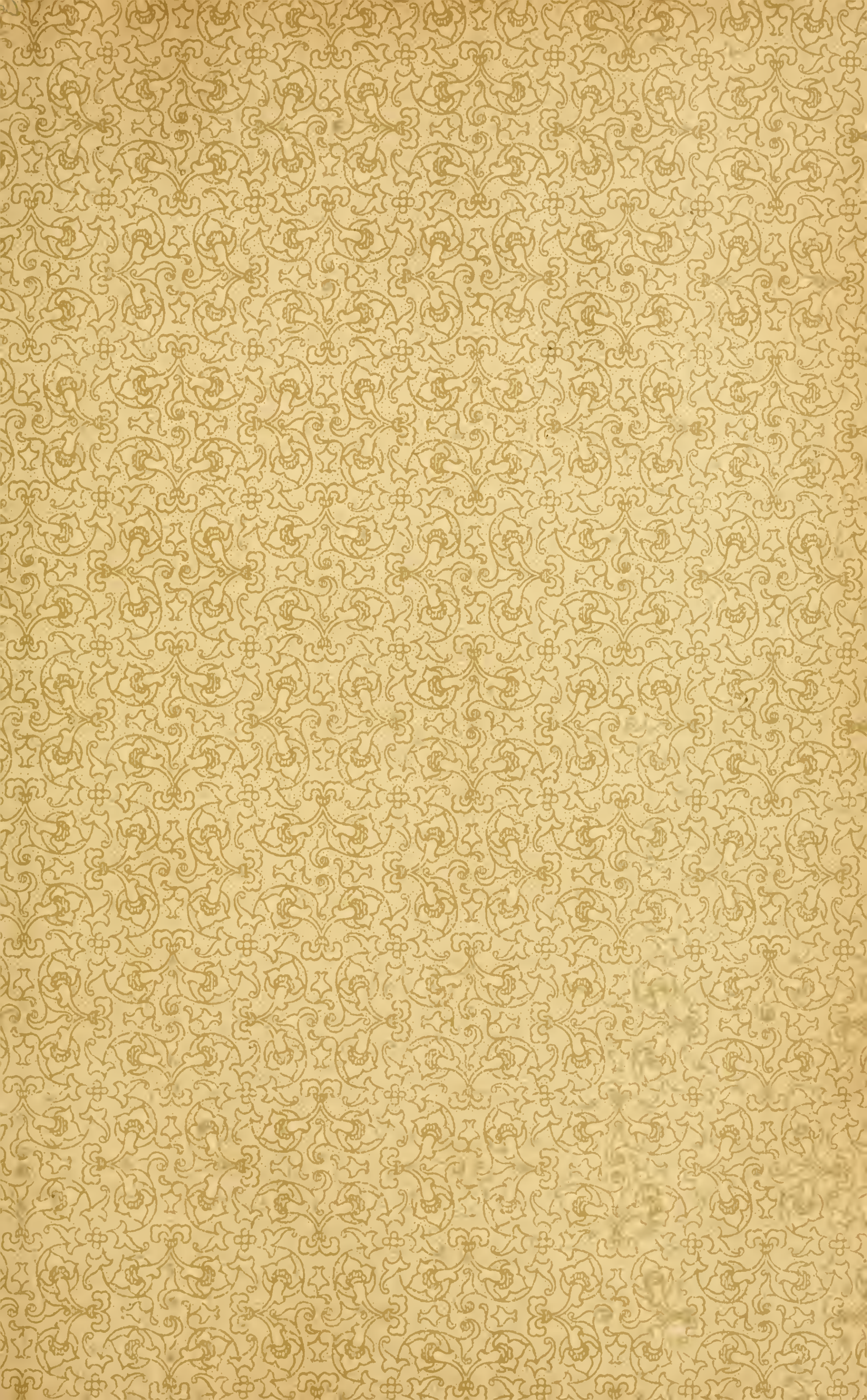





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Aus dem Bericht der kgl. Untersuchungskommission über den Südafrikanischen Krieg.

Die mazedonische Frage 1903.



Regelung der Alaska-Grenzfrage zwischen Kanada und den Vereinigten Staaten. 1899—1903.*)

Nr. 13213. **GROSSBRITANNIEN.** — Der Minister des Ausw. an den Botschafter der Vereinigten Staaten in London. Schlägt die Entscheidung der Alaskafrage durch ein Schiedsgericht vor.

Foreign Office, July 1, 1899.

Your Excellency, || The correspondence which has passed between the United States' Government and that of Her Majesty, as well as the negotiations and other diplomatic intercourse which have taken place both here and at Washington, have left on the minds of Her Majesty's Ministers a strong impression that no effective progress will be made in coming to an agreement upon the subjects which divide the two countries without the assistance of arbitration. This appears to be especially the case with respect to the Alaska boundary. The different signification which the two Governments attach to the language of the Treaty of 1825 is not of a character which appears likely to be adjusted by the method of explanation or argument on the two sides. Some of the ablest men belonging to both natic have now for several months devoted the utmost erudition and acumen to this discussion, but the attainment of an agreement seems to be no nearer than when the communications began. Her Majesty's Government feel that no satisfactory agreement between the two countries can be arrived at until the difference with respect to the Alaska boundary has been adjusted, and that this adjustment can only be attained by the process of arbitration. || Much, of course, will depend upon the manner in which the subject of controversy is presented to the Tribunal selected for arbitration, and upon the conditions by which the Arbitrator's decisions are shaped and limited. Upon this matter some

*) Blaubuch Cd. 1877. Red.

preliminary discussion has already taken place between the two Governments, but no formal expression of opinion on either side in this respect has as yet been arrived at. In order to ascertain whether any formal difference exists between them in this respect, and to pave the way, if possible, for an ultimate agreement, I have, on behalf of Her Majesty, to propose to your Excellency that the Treaty of Arbitration adopted between this country and Venezuela, with the assent, and largely at the instance of, the United States, shall be applied to the determination of the Alaska boundary which is now under discussion. That Treaty is now receiving its application at Paris, and during the three years which have elapsed since its conclusion no question as to its fairness or applicability has arisen between the Contracting Parties. I am not able to find in its terms anything which is inapplicable to, or which would be inconsistent with an equitable and conclusive solution of, the Alaskan controversy. It is possible that in some respects its details may be improved, but, such as they are, they appear to Her Majesty's Government to be adequate for the purpose which we have in hand; and I have to request that your Excellency will lay before the President the proposal of Her Majesty's Government that the Venezuela Treaty, as it stands, shall be applied to the determination of the Alaska boundary between the Dominion of Canada and the United States. Salisbury.

Nr. 13214. **GROSSBRITANNIEN.** — Der Minister des Ausw. an den Botschafter in Washington. Besprechung mit dem amerikanischen Botschafter über die Möglichkeit eines Schiedsgerichts.

Foreign Office, August 2, 1899.

Sir, || The United States' Ambassador called upon me to-day in order to discuss the proposal recorded in my note to his Excellency of the 1st ultimo, that the Alaska boundary question should be submitted to arbitration, and that the Treaty of Arbitration adopted between Great Britain and Venezuela should be applied to the determination of the present case. || Mr. Choate said that this proposal was being attentively considered by his Government, but that on several grounds, which he proceeded to explain to me, the President felt unable to assent to the proposal as it stood, and desired a further exchange of views before formally responding to my communication. || As the question of the organization of the proposed Arbitral Commission is subordinate to that concerning the subject-matter to be arbitrated, and the terms and con-

ditions on which its action is limited, and ought easily to be agreed upon when the latter are once settled, Mr. Choate said he would confine what he had to say to some of the reasons which, in the President's judgment, make the terms of the Venezuelan Treaty, as it stands, wholly inapplicable to the present subject of controversy, in which the issues involved are radically different. || The case of the Alaska boundary was, his Excellency said, entirely unlike the controversy with Venezuela, in that it was a new question, raised for the first time after the Joint High Commission had been agreed upon, up to which date the claim which it was now asked should be submitted to arbitration had never been put forward either by Great Britain or by Canada; whereas, in the case of Venezuela the controversy originated a century and a-half ago, and had been in its entirety a subject of dispute and protest for sixty years. || The coast-line of the mainland (the *lisière* of the Treaty), including the inlets, had been in the possession, or under the control, of Russia and the United States since the Treaty between Russia and Great Britain in 1825, and the Settlements on the inlets, especially those about the head of the Lynn Canal, had been made with the authority, and under the jurisdiction of, the United States, without any protest or claim of territorial ownership on the part of Great Britain; whereas, in the Venezuelan case, the British occupation and Settlements involved were upon territory claimed by Venezuela, and against the constant protests of Venezuela, thus constituting, as Venezuela alleges, a series of advancing encroachments upon what that country claimed to be her territory. || In support of the proposition, that from the Treaty of 1825 to the cession to the United States in 1867, the Russian Government steadily maintained its claim to a strip of territory 30 miles in width on the mainland of the continent, beginning at 50° 40′ and extending north-west around all the inlets and interior waters to the 141st degree of west longitude, his Excellency called attention to the maps issued by the Russian Government, to its lease or licence, contained in the Treaty with the United States of 1824, for the citizens of the latter to frequent with their ships, for ten years, „the interior seas, gulfs, harbours, and creeks upon the coast" for the purpose of fishing and trading with the natives, and to Russia's refusal in 1835 to renew the privilege. || During the whole period of Russia's occupation of this strip of territory, Great Britain had, Mr. Choate said, made no claim to it and entered no protest; on the contrary, there were acts on her part of express recognition of the claim of Russia. By the Treaty of 1825 she took from Russia the same privilege for British subjects to frequent the same inland seas, gulfs, harbours, and creeks, for ten years, as had

been granted to American citizens by the Treaty of 1824, and, after the expiration of the ten years' privileges, British subjects and vessels were excluded from these interior waters, and the British Government acquiesced in this without a protest. || In the same connection his Excellency called attention to the case of the „Dryad“, where the British Government presented and pressed upon the Russian Government a claim of the Hudson Bay Company for damages sustained by the detention of the vessel destined for some point on the Stikine River, which resulted in the Hudson Bay Company taking in 1839 a lease from the Russian-American Company (these two Companies representing their respective Governments in the control of the country, along the north-west coast) of the strip of territory, or *lisière* of the Treaty, for ten years, in consideration of an annual rent and the extinction of the claim. This lease was made with the authority and approval of the two Governments. The Hudson Bay Company entered and occupied under it for the term of the lease, and for an extension of another term, and then surrendered possession without objection or protest from any one. || Mr. Choate also called my attention to the special Parliamentary inquiry into this transaction in 1857, to the map submitted to the Committee, and to the testimony of the Governor of the Hudson Bay Company, showing the strip leased to have been 30 miles in width, and to extend around the head of all the inlets, including Lynn Canal. || In the opinion of the President, the action of the two Governments during Russia's occupation of the strip of territory now in controversy makes a wholly different condition of affairs from that between Great Britain and Venezuela, and this difference has been maintained and made more distinct since the cession by Russia to the United States. || In support of this his Excellency called my attention to the map prepared and published by the United States in 1867 which delimited the boundary, and which traced the limits of the strip on the mainland in accordance with the uniform claim which Russia had made. Not only was no protest made against this map by the British Government, but the British map publishers and the Canadian Government had adopted the same boundary-line in their publications. And, in accordance with this delimitation, the United States had, he said, exercised acts of sovereignty — such as control of Indian tribes, establishment of post-offices and schools, and the policeing of the waters of the inlets by Government vessels, and the enforcement of revenue and other Federal laws. || Mr. Choate then called attention to the fact that, up to a very recent period, the boundary-line has only twice been the subject of correspondence or discussion between our two Governments: first in

1873—74, when there was a movement for having the boundary-line marked by a Commission of scientific experts, and it was then understood that the boundary-line crossed the Rivers Skoot, Stikine, Taku, Islecat, and Chilcat at some place above the point where they respectively empty into the inlets of the ocean, and, shortly after that, when there was some question as to where the boundary crossed the Stikine. || His Excellency referred incidentally to the case of Peter Martin, 1877, the correspondence in respect to which appears in „Foreign Relations of the United States, 1877", pp. 266—271, and to the Provisional Agreement for Customs purposes in 1878, the correspondence in respect to which appears in „Foreign Relations of the United States, 1878", pp. 339—346. || The slight conflict of jurisdiction in the vicinity of Lake Lindeman, shortly after the discovery of gold in the Yukon district, seemed, he said, to have but little bearing, as it related to territory between Lake Lindeman and the White Pass. || It appeared clear that not until after the Joint High Commission was created (30th May, 1898) did either Great Britain or Canada ever advance the claim to any portion of territory lying adjacent to the inlets of the ocean, nor to the waters thereof; nor had they objected to the occupation of the same by the Government of the United States or its citizens, and at no time had any part of the territory so lately put in dispute been held or occupied by Canadian or British authorities. || The towns, settlements, and industries about the head of Lynn Canal and the other inlets embraced in this strip of territory having been established under these circumstances, a wholly different situation had, in the opinion of the President, been created in regard to them from that involved in the Venezuela Case, so utterly different that the Government of the United States would feel that it was not properly guarding the rights of its citizens if it should consent to put these settlements in peril by applying to them the terms of the Venezuela Treaty, which was designed for a wholly different state of affairs; nor would the President feel justified in submitting the questions involved to any arbitration unless United States' settlements, made in good faith before this new claim was presented on the part of Canada, were expressly exempted from its operation. || Mr. Choate further called attention to a material difference between the questions to be decided by the two Tribunals. In the one case the disputed interpretation of a Treaty definition of a boundary-line, in a Treaty made seventy-four years ago, and remaining undisputed through the long period of the Russian occupancy and administration of the *lisière,* and through nearly all the time that the territory had been held by the United States under the cession from Russia, and only very lately brought in question; in this case the

interpretation was to be made in the light of prior and subsequent historical facts of occupation, administration, and recognition, and of the acts and Commissions of the parties concerned. Here, while the question of actual settlement and administration is collateral to the main subject of arbitration, and, being of great importance, is rightly to be guarded by the distinct understanding suggested by the President, it is not, as in the Venezuelan Case, the essential point directly at issue. In the other case the controversy rested, he said, not upon the interpretation of any such Treaty definition of the boundary line, but essentially upon the historical facts of occupancy and possession, out of which the Arbitrators were to determine the boundary-line in conformity to the rules prescribed to them. || The proposal of Her Majesty's Government for an arbitration would, Mr. Choate said, be entertained by the President with that earnest consideration which its importance and the high source from which it came deserved; and having thus laid before me Mr. Mc Kinley's reasons for his judgment, that the two cases are radically different, and the terms of the Venezuelan Treaty, as it stands, are utterly inapplicable to the present case, he was instructed to express the opinion of the President that it would be wise, at this stage of the negotiation, to have a comparison of views, and to state that he would be much gratified if I would give my views in return upon the matter now presented, and would communicate the grounds upon which Her Majesty's Government base their opinion, that „there is nothing in the Venezuelan Treaty which is inapplicable to or which would be inconsistent with, an equitable solution of the Alaska controversy." || Mr. Mc Kinley hoped that, when the conflicting views of the parties were thus disclosed, they might, perhaps, be reconciled or adjusted by mutual concession, and that the way might thus be paved for an ultimate agreement. Salisbury.

Nr. 13215. **GROSSBRITANNIEN.** — Der Minister des Ausw. an den Botschafter in Washington. Begründet noch einmal den Vorschlag eines Schiedsgerichts.

Foreign Office, October 14, 1899.

Sir, || In my despatch of the 2nd August I informed you of a communication made to me by the United States' Ambassador, stating the grounds upon which the President felt himself unable to assent to my proposal for the reference of the Alaska boundary question to Arbitration on the terms adopted in the Treaty of the 2nd February, 1897, between Great Britain and Venezuela. || Mr. Choate said, in conclusion, that

he was instructed to express the opinion of the President that it would be wise at this stage of the negotiation to have a comparison of views, and to state that he would be much gratified if I would give my views in return upon the matter presented and communicate the grounds upon which Her Majesty's Government base their opinion that „there is nothing in the Venezuelan Treaty which is inapplicable, or which would be inconsistent with an equitable solution of the Alaska controversy". || I would observe at the outset that there appears to be some misapprehension on the part of the United States' Government as to the nature and scope of the proposal submitted to his Excellency, who has treated it as if it only applied to the determination of the boundary in the neighbourhood of the Lynn Canal, instead of to the whole frontier of the *lisière* of coast defined in the IIIrd and IVth Articles of the Treaty of 1825. || No doubt it is in regard to that part of the boundary that the widest divergence of views has arisen between the two Governments, but it only needs a reference to the maps which purport to mark the boundary as claimed by the respective Governments to show that the difference is by no means confined to the region of the Lynn Canal, but extends throughout the whole length of the strip from Portland Channel to Mount St. Elias. || The events of the last two or three years arising out of the Yukon gold discoveries have given exceptional prominence and importance to that part of the boundary, but it will hardly be maintained that prior to these events there was any reason why, while the whole line was undetermined, and its settlement was not regarded on either side as a matter of pressing importance, special attention should have been devoted by Her Majesty's Government to that particular region. || It is necessary to bear this in mind in considering the various reasons put forward by the United States' Government, on account of which they claim to distinguish the present dispute from that recently discussed before the Tribunal of Arbitration at Paris. || The general effect of the United States' contention is that the claim put forward by Her Majesty's Government that the boundary-line should cross the Lynn Canal in the neighbourhood of Berner's Bay, following the general line of the coast range of mountains indicated by the Treaty as the position of the boundary, is a new one first put forward after the Joint High Commission had been created, and that before then Her Majesty's Government had made no claim to the head waters of the canal, or any protest against various acts on the part of Russia and the United States inconsistent with that claim, and that the United States' Government are therefore justified in refusing to allow the question of the possession of these waters to be adjudicated upon by an in-

dependent Tribunal. || I wish to point out in the first place that there has been but little discussion of the boundary question between the two Governments, but whenever it has been referred to it has been on the admitted basis that the whole line was undetermined, and that the interpretation of the boundary Articles of the Treaty was entirely an open question as to which each Government was free to urge its own views. || This was the view accepted by President Grant in his Annual Message to Congress of the 2nd December, 1872, and by Mr. Secretary Bayard in his despatch to Mr. Phelps of the 20th November, 1888, and, as was pointed out in that despatch, no question concerning the true location of the line stipulated in the Treaty had ever arisen between Great Britain and Russia prior to the cession of Alaska to the United States. The only value of the region during that period lay in the fur trade, and during the first ten years after 1825 that trade was thrown open on equal terms to the subjects and citizens of Great Britain, Russia, and the United States by Article VII of the Treaty between Great Britain and Russia of 1825, and Article IV of the Treaty of 1824 between the United States and Russia, and before the expiry of the ten years the negotiations between the Hudson's Bay Company and the Russian American Company which resulted in the lease to the former of the trade of the whole of the *lisière* southward and eastward of a line joining Cape Spencer and Mount Fairweather had been initiated. By that lease the exclusive right of trade and commerce in the *lisière* outside the line mentioned, covering practically the whole territory the boundary of which is in dispute, became vested in the Company which enjoyed a similar monopoly in the territory on the British side of the frontier, wherever it might be, and, as it was a matter of indifference to it whether it derived its rights from its British Charter or its Russian lease, no question as to the true location of the line could arise. The lease, though originally for ten years only, was renewed from time to time and terminated only on the date when Alaska was ceded to the United States. || When subsequently to that cession, the gold discoveries in the Cassiar district of British Columbia, to which the most convenient access lay through the Stikine River traversing the *lisière*, rendered it desirable to locate the boundary in that region, the discussion between the two Governments was entirely confined to the question of a joint survey, an indispensable preliminary to any attempt to fix the boundary, and never touched on the interpretation of the Treaty. Indeed, in the complete absence of topographical information as to the country, it was obviously impossible to discuss that question, and it was tacitly avoided by both

sides. Even when later Mr. Secretary Fish threw out the suggestion referred to by Mr. Choate that the points where the boundary crosses certain rivers might be surveyed with a view to a partial delimitation, he declared that it was doubtful whether Congress would vote the money necessary for the purpose, doubts which were speedily verified by the action of that body, and it can scarcely be a matter of surprise that a suggestion made in such circumstances failed to receive critical examination at the hands of the British or Dominion Governments, and that no attempt was made to initiate a discussion as to the interpretation of the Treaty which, in the absence of a survey, must have been of a purely academic nature. || The case of Peter Martin in 1877, to which Mr. Choate also refers, does not appear to have any bearing on the matter, as it turned on the question of his unauthorized conveyance as a prisoner through United States' territory, and Her Majesty's Government have never questioned the right of the United States' Government to territory at the mouth of the Stikine River, though the question how far inland that territory extends remains in dispute. || Mr. Choate made no reference to the correspondence initiated by Mr. Bayard in his note to Mr. Phelps of the 20th November, 1885, which has already been mentioned. That note made no claim that the interpretation of the Treaty as regards any particular part of the boundary-line was no longer open, and the Earl of Iddesleigh, in his note to Mr. Phelps of the 27th August, 1886, inclosing copy of the map of the Dominion of Canada, geologically coloured for which Mr. Phelps had asked, and on which a line was shown separating the *lisière* from Canadian territory, stated clearly the attitude of Her Majesty's Government in regard to the position of the disputed boundary in the following words: —

„In forwarding to you a copy of the map in question, I have the honour to invite your attention to the fact that the Alaska boundary-line shown thereon is merely an indication of the occurrence of such a dividing line somewhere in that region. It will, of course, be readily understood that no weight could attach to the map location of the line now noticed, inasmuch as the Convention between Great Britain and Russia of the 28th February, 1825, which defines the line, makes its location depend on alternative circumstances, the occurrence or the non-occurrence, of mountains, and, as is well known to all concerned, the country has never been topographically surveyed. Her Majesty's Government therefore feel that they are bound distinctly to disavow the recognition of the correctness of the line shown, on the edition of the map in question forwarded herewith, as the boundary-line between the Province of British Columbia

and Alaska." || The United States' Government took no exception to this declaration, which was followed later by the statement in the Memorandum given to Mr. Bayard by Sir L. Sackville West on the 14th September, 1887, as to the action of Lieutenant Schwatka during his reconnaissance of 1883 in purporting to fix Perrier's Pass at the head of the Lynn Canal as a point on the boundary. It was there stated that „although Her Majesty's Government have agreed in principle to take part in a preliminary investigation of the Alaska boundary question, they are not prepared to admit that the points referred to by Lieutenant Schwatka in any way fix where the line should be drawn. It is not sought to raise any discussion at the present moment in regard to the position of the boundary between Alaska and British Columbia; but in order that it may not be prejudiced hereafter by absence of remark on the points alluded to above, Her Majesty's Government have thought it expedient to call the attention of the United States' Government to the foregoing observations".

Shortly after in the informal discussion of the boundary question between Dr. Dawson, on the part of Her Majesty's Government, and Dr. Dall, on the part of the United States' Government, during the sittings of the Joint High Commission of 1888, the former made it distinctly clear that Her Majesty's Government claimed that the boundary should, in accordance with the terms of the Treaty, be drawn along the summits of the coast range, crossing all narrow waters which were of such width as to be within territorial jurisdiction. || When the Conference between the British Delegates and Mr. Secretary Blaine was held in February 1892, the views of Her Majesty's Government as to the boundary were fully stated, and it was proprosed on the part of the British Representatives „that a reference to some impartial authority be made by Great Britain and the United States for the purpose of ascertaining and deciding finally the true boundary, regard being had to the Treaties relating to the subject, and likewise to the case which may be presented by either Government, and to the testimony which may be adduced as to the physical features of that country", &c. || The Representatives of the United States, Mr. Blaine and General Foster, considered that it was premature to provide for a reference to arbitration until a survey had been made, and the two Governments had had an opportunity of considering and discussing the question in the light of the facts revealed by that survey, and they handed in a proposal which was accepted and embodied with slight verbal amendments in Article I of the Treaty of the 22nd July, 1892. That Article provided for a coincident or joint

survey „with a view to the ascertainment of the facts and data necessary to the permanent delimitation of said boundary-line in accordance with the spirit and intent of the existing Treaties in regard to it between Great Britain and Russia and between the United States and Russia", and further, that „The High Contracting Parties agree that, as soon as practicable after the Report or Reports of the Commissions shall have been received, they will proceed to consider and establish the boundary-line in question". || It is clear from this that the whole question of the interpretation and application of the Treaty was, by common consent, left over for discussion, after the completion of the survey in the light of the facts which it disclosed, and it might fairly be argued from the express terms of the Convention that both Governments had estopped themselves from contending that the boundary should be run otherwise than in accordance with the „spirit and intent" of the existing Treaties in regard to it between Great Britain and Russia and between the United States and Russia. || It is evident in any case that, at any rate in 1892, neither Government claimed to have any rights in the disputed territory arising out of possession, occupation, or political control. Nor does it appear that any such claims were preferred on the part of the United States until the meetings of the Joint High Commission. || The elaborate series of maps on which the results of the joint survey were embodied were not received by Her Majesty's Government until March 1898, but in the meantime Her Majesty's Government, realizing the improbability of a settlement being reached by diplomatic discussion, as contemplated by the Convention of 1892, and the need of an early settlement, owing to the new conditions created by the Yukon gold discoveries, had instructed Sir J. Pauncefote to propose to the United States' Government a reference of the question to three jurists of high standing, one nominated by each of the two Powers, and the third by an independent Power, and that this Commission should proceed at once to delimit the boundary at the heads of the inlets through which the traffic for the Yukon entered, principally at the head of the Lynn Canal. || This proposal was made by Sir J. Pauncefote to Mr. Sherman on the 23rd February, 1898, and in making it he specifically alluded to the divergence of views revealed by the informal discussion which took place in 1888. On the 2nd March he reported to me that the United States' Government were anxious for a provisional boundary, the rights of both parties being reserved pending a final settlement, but were unwilling to proceed with a new Convention providing for arbitration until diplomatic discussion had failed to secure a settlement. || A proposal for a provisional

boundary was made by Sir J. Pauncefote on the 18th April in a Memorandum in which he stated that, „in view of the wide divergence of views existing on the subject of the Alaska-Canadian boundary, the Dominion Government fear that the suggestion to proceed with the demarcation under the Convention of 1892 would lead to no result. They are, however, prepared to agree that a provisional line should be fixed without prejudice to the claims of either party at the watershed of the first summit north of Dyea. Such a provisional boundary would be at a distance of considerably more than 10 leagues from the coast". In answering this Memorandum, on the 9th May, Mr. Day stated: „In consenting to the temporary marking of the boundary-line in the method just indicated, this Government desires it to be distinctly understood, on the part of both Governments, that this arrangement is not to be construed as affecting in any manner rights under existing Treaties for the ultimate consideration and establishment of the boundary-line in question." || When, therefore, the Joint High Commission met in August 1898 to discuss the question, it was clearly understood on both sides that the line was to be determined „in accordance with the spirit and intent" of the Treaty, without restriction, the rights of both parties having been fully and distinctly reserved whenever any question of the interpretation or application of the Treaty was discussed, and the fact of such reservation expressly recognized on both sides. || It has already been fully explained why no question as to the interpretation of the Treaty was raised by either party until 1885, and that on the first occasion when the discussion of the matter was approached, Her Majesty's Government gave distinct notice that they entirely disavowed the correctness of the line shown on the maps to which the United States' Government appealed.

In view of these facts Her Majesty's Government are fairly entitled to claim that as a settlement of the question cannot be reached diplomatically, the interpretation of the Treaty and its application to the facts ascertained by the survey should be submitted unreservedly to an impartial Tribunal, without any such restrictions as were contained in the Venezuelan Treaty, and in proposing to allow, as provided by that instrument, continuous adverse possession for fifty years, if such can be proved, to override Treaty right, they have made a distinct concession to the United States. || They do not, of course, admit that there has been any such adverse possession, by way either of exercise of jurisdiction or of political control, and if the United States' citizens have settled recently at the head of the Lynn Canal, they have done so in the full knowledge, as given in the documents inclosed in President Cleveland's

Message to Congress of the 2nd March, 1889, that they were settling in disputed territory, and Her Majesty's Government are unable to see any reason why such settlement should receive further or greater recognition and protection than the United States' Government considered should be accorded to British subjects who had settled in the area in dispute between this country and Venezuela. || It is not necessary to discuss in detail each of the various points advanced in Mr. Choate's communication in favour of the United States' interpretation of the Treaty. Facts and arguments of equal cogency can be advanced on the other side by Her Majesty's Government, and they are all points which can be submitted to an Arbitration Tribunal under the Rules laid down in the Venezuelan Treaty, and unless there are other facts and circumstances upon which the United States' Government rely, but which might be excluded from the consideration of the Tribunal by these Rules, Mr. Choate has not, so far as can be seen, advanced any reason to warrant Her Majesty's Government in departing from the view expressed in my note of the 1st July, that there is nothing in the terms of the Venezuelan Treaty „which is inapplicable or which would be inconsistent with an equitable solution of the Alaskan controversy". || The question immediately under discussion is whether or not the dispute as to the boundary should be referred to arbitration, and it is difficult to understand why the length of time during which the rival claims to disputed territory have been matters of controversy should form an element to be taken into consideration in that connection. If it be desirable on other grounds to employ the assistance of an impartial Tribunal as the best means of terminating the dispute, the length of the period of previous controversy appears to be immaterial. || The excercise of the rights of sovereignty within the area in dispute by control of the Indian tribes and establishment of administrative machinery therein was, as the United States' Government are aware, one of the principal grounds put forward by Great Britain in support of her right to the territory claimed by Venezuela, and such grounds, if put forward by the United States' Government with reference to the Alaska boundary, would, no doubt, be fully considered by a Tribunal of Arbitration, and if found to be established for the period prescribed in the Treaty, might settle the controversy in their favour. || But it is not admitted that such control was exercised by the United States until very recently, and after due notice of the claim of Her Majesty's Government, and in these circumstances, the fact of its exercise appears to be a reason in favour of, rather than an obstacle to, arbitration. || The fact that the starting-point in the present controversy is a Treaty,

and that, in the dispute with Venezuela, the claims on either side were based on discovery and occupation, cannot, in the opinion of Her Majesty's Government, constitute any essential difference between the two cases. The Rules agreed to by Great Britain and the United States for the guidance of the Tribunal were intended to provide for the admission in argument of every ground upon which an equitable claim to disputed territory may be based. As has already been pointed out, it is the Government of the United States who have imported into the present discussion other considerations than that of strict Treaty right, and I trust that on full consideration they will not continue to object to these considerations being tested by Rules which, with their approval, and with the consent of Her Majesty's Government, have been applied to a similar case. || If, however, the United States' Government still consider that the terms of the Venezuelan Treaty are in any respect inadequate to provide for an equitable settlement of the present controversy, such suggestions as they have to offer will receive attentive consideration from Her Majesty's Government. || You are authorized to read this despatch to Mr. Hay, and to leave a copy of it with him if he should so desire.

Salisbury.

Nr. 13216. **VEREINIGTE STAATEN.** — Der Botschafter in London an den englischen Minister des Ausw. Historische Darstellung der Streitfrage. Einwände gegen das Schiedsgericht.

American Embassy, London, January 22, 1900. (January 22.)*)

My Lord, || Your Lordship's despatch to Mr. Tower of the 14th October, 1899, has been placed in my hands, with instructions to respond to your Lordship's courteous request to make further suggestions in reply bearing upon the question under discussion. || The United States' Government is not to be understood as refusing to submit to the adjudication of an independent Tribunal the real question at issue between us in respect to the Alaska boundary. On the contrary, as I understand it, the present discussion contemplates the probability of such a submission. As I stated in my note of the 9th August**), to which your Lordship's note to Mr. Tower is an indirect reply, the President was prevented by the considerations there stated from assenting to the proposal that the

*) Die eingeklammerten Daten ergeben das Empfangsdatum. Red.

**) The terms of this note were similar to the communication made by Mr. Choate on the 2nd August and recorded in the despatch to Mr. Tower of that date (Nr. 13214).

Venezuela Treaty, as it stands, should be applied here, and that the subject matter to be adjudicated and the terms and conditions by which its action should be limited ought, if possible, first to be decided. || The Venezuela Treaty was calculated, and, as the result has shown, well and properly calculated, to enable the Tribunal to make by compromise a boundary-line in respect of which there has never been an agreement between the parties, and to evolve a fair adjustment of their respective claims out of the facts of discovery, occupation, and other historical circumstances in which their dispute as to the boundary had been involved for more than a century, during which the question had been always open. But in the present instance there is an express agreement of the parties defining the boundary — in the Treaty of 1825 — which has subsisted ever since, practically without dispute as to its interpretation on the principal point. A clear and distinct interpretation on this point was put upon it by both parties in the written negotiations which resulted in the meeting of their minds upon it. This interpretation was regarded by both parties as vital and very important to their respective interests. It was publicly declared and acted upon by Russia from the date of the Treaty until she conveyed to the United States in 1867, and all that time, at any rate, it was acquiesced in by Great Britain. The United States continued publicly to maintain and act upon the same interpretation, with the acquiescence of Great Britain, confessedly until 1885, and, as we claim, until 1898, when a new and wholly different interpretation on this main point is put forward by Great Britain. The two interpretations thus presented are absolutely distinct, and are not involved in any confused or doubtful historical explorations. One or the other is right, and can and should he ascertained and determined so to be, to the exclusion of the other, and neither party wishes to acquire an inch of the territory rightly belonging to the other. Surely the Tribunal which is to pass upon such a question should not be enabled to compromise it, but should be required simply to decide it. If the difference thus raised is to be compromised, it should be compromised by the parties themselves, so that they can know exactly what they are doing. || I have spoken of the interpretation of the Treaty upon the principal point. By this, I mean the question whether the strip of coast („la lisière de côte“) which, by the Treaty, is to belong to Russia, runs around the shores of the inlets or across their mouths — the former construction necessarily excluding Great Britain from the salt water at all points to a distance measured by the crests of the mountains parallel to the coast, if there are such, or by 10 leagues in the absence of such moun-

tains, while the latter construction as necessarily gives to Great Britain so much of each inlet as extends above a point crossed by a line drawn from the crest of the mountains nearest to the coast. This is a question of construction between the two Parties, to be determined in the usual way by the language of the Treaty interpreted in the light of the acts of the Parties before and after, and including any claim of either that the other is estopped to dispute the construction which it asserts. It is eminently a question for jurists to determine judicially, and it was with this view that the United States, through its Commissioners in the Joint High Commission, offered to submit it to a perfectly independent Tribunal, to be composed of six learned jurists, three to be named by each Party, and a majority of them to decide. It is not easy to see how any judicial Tribunal could compromise it, unless expressly commissioned to do so, as in the Venezuela Case. They must decide it one way or the other. || This is the question which we maintain was never raised by Her Majesty's Government until 1898. Russia and the United States claimed the former interpretation from first to last; Great Britain realized its intrinsic importance from the beginning, but never disputed our interpretation, which was open, public, and uniform. These features of the case now presented differentiate it radically from the Venezuela Case. Your Lordship states that „no question as to the interpretation of the Treaty was raised by either Party until 1885“. It would be more in harmony with my view of the situation to say that Russia and the United States uniformly and publicly asserted an interpretation of the Treaty which Great Britain did not dispute. || But assuming this fundamental and very important question, to be decided either by an independent Tribunal or by agreement of the Parties, another question remains still to be determined — one of great importance and which has always been open — namely, the exact location of the poundary-line according to the spirit and meaning of the Treaty and its precise distance at every point from the coast. This is a question of no small difficulty, growing out of the alternative provisions of the IIIrd and IVth Articles of the Treaty, by the former of which the width of the strip or the distance of the British possessions from the coast is to be measured to the crests of the parallel mountains, but by the latter, if no such mountains are found within 10 leagues, then by that distance or by a distance never exceeding that. || This minor or secondary question might, of course, also be referred to an arbitration; but it is obviously not, like the first, a question for jurists. It would properly be disposed of by a joint survey. And it is a question of such minor importance, after the first question

has been once determined, that neither party would probably desire to go to the great expense and trouble of an arbitration about it, but they would either run the line by agreement or leave it to be run by a joint survey, as was once agreed between them. For if the first question were once determined in accordance with the present contention of Her Majesty's Government, Great Britain or Canada would have in her own possession such a wide and ample stretch of sea-coast, being the entirety of all inlets beyond a point crossed by a line drawn from the crests of the mountains nearest the coasts, that a few miles, or even leagues, more or less, would make no substantial difference; while, on the other hand, if that question were once determined in accordance with the uniform contention of Russia and the United States since 1825, Great Britain or Canada having no possible foothold on the sea-coast through the whole length of the strip or *lisière*, a few miles, or even leagues, more or less, in its width at any point, would make no very important difference to either party.

The difficulty of locating the exact boundary-line according to any interpretation of the Treaty was in great measure removed by the Report and maps of the joint survey created by agreement of Great Britain and the United States in 1892. || Before taking up your Lordship's review of the facts and incidents since the date of the Treaty between Great Britain and Russia, which are cited as confirming the view that the question of the interpretation of the Treaty has been always open, I venture, with deference, to ask whether, in that review, the distinction which I have drawn between the question of the interpretation of the Treaty and the question of the actual demarcation of the boundary-line has not been lost sight of, for it appears very clearly to me that nearly all of them recognize as an open question the actual demarcation of the line, which must remain open until it is actually accomplished, and that they do not suggest or assume that the question of the interpretation of the Treaty now raised and insisted upon by Great Britain was open. It would be strange, indeed, if Her Majesty's Government, at the time of the exchange of the Treaty with Russia — or the Russian Government of that day — could have regarded the question now raised by Great Britain as left open, or that any question under the Treaty was left doubtful or open for future determination, except the actual demarcation of the boundary-line so as to carry out the spirit and intent of the Treaty as well known to them both and freshly in their minds from the protracted and very earnest struggle which they had had over its terms. || One persistent effort of Her Majesty's Representatives in that

negotiation was to get to the sea, in the interest of the Hudson's Bay Company. The equally persistent effort of the Representatives of Russia was to set up a barrier in a strip of land which should keep Great Britain away from the sea at all points from the southern end of Prince of Wales Island to Mount St. Elias, so that the Russian establishments on the islands and the coast belonging to the Russian-American Company could by no possibility be interfered with, a point which the negotiators on behalf of Great Britain expressly and finally yielded. || I may not properly here enter upon an analysis of the protracted negotiations which culminated in the Treaty of 1825. They are now very familiar, and as we claim the whole course of the negotiation shows that the British Plenipotentiaries, and Mr. Secretary Canning as well, had a perfectly clear conception of the *lisière* upon which Russia insisted so strenuously — that it was to be Russia's impenetrable barrier to any alien access to or from the inner region of the mainland, a strip of territory running parallel to the sinuosities of the coast, and necessarily around the inlets and not across their mouths, extending at all points from the water's edge to the interior possessions of Great Britain, beginning at the point of the continent where the line, ascending to the north along Portland Channel, strikes the 56th degree of north latitude and extending to the intersection of the 141st meridian. It constituted a definite expanse of territory over which, and over the tide water along it, as well as over the islands outside of it, Russia possessed an exclusive jurisdiction — the same which she afterwards conveyed in its entirety to the United States. It could be pierced in favour of Great Britain only by rivers having their origin in British dominions, and flowing through the Russian territorial strip to tide water; and as to these, no lodgment on the Russian shore, but only access to the interior, was granted to Great Britain. The provisions as to this strip of land in the Vth and VIth Articles of the original Treaty, where it is referred to as „la lisière de terre ferme" and „lisière de la côte," must have been understood by the negotiators on both sides in the same sense. || And the fact that, by the VIIth Article of the Treaty, Russia gave, and Great Britain took, a licence for British vessels for ten years from the date of the Treaty to frequent „toutes les mers intérieures, les golfes, havres, et criques sur la côte" proves that the negotiators on both sides must have understood that all these interior waters, &c., were in Russian territory. || In view of this, we claim and insist that when the Treaty was signed the question now raised and pressed by Her Majesty's Government whether the *lisière* ran around the inlets or sinuosities of the coast or across their mouths was not left

open or understood by the negotiators on either side, or by either Government for which they acted, as an open question, and if not then left open, it was certainly never attempted to be opened until 1885 — and, as we claim, not until 1898. Of course, the actual demarcation of the line, with whatever difficulties pertained to it, according to the spirit and meaning of the Treaty, was necessarily left open, and could only be determined after the country was explored by competent survey. || Coming now to the references to the boundary question in subsequent correspondence between the Governments, which your Lordship regards as having been always upon the admitted basis that the whole line was undetermined, and that the interpretation of the boundary Articles of the Treaty was entirely an open question, I submit that in each instance, especially in view of what had preceded during Russia's ownership, these references indicated or assumed no more than that the whole line was undetermined in the sense of not having been surveyed and marked, but not that the interpretation of the Treaty on the main point now under consideration was in any sense open. || Immediately after the making of the Treaty, the Russian Government proceeded with the preparation of a map, showing the respective possessions of Russia and Great Britain as fixed by the Treaty. This map was published in St. Petersburgh in 1827 by order of His Imperial Majesty. It runs the boundary-line from the head of Portland Channel at a distance of 10 marine leagues from tide water around the head of all the inlets to the 141st meridian. And along this line upon the map is inscribed the words: „Limites des possessions Russes et Anglaises d'après le Traité de 1825." There could have been no more direct and peremptory challenge to Great Britain, if its Government at that time regarded the interpretation of the Treaty as having been left an open question at the time of its signature, or as being then an open question as to which each Government was free to urge its own views. || The great importance of this location of the boundary as between the two nations, as represented respectively by the Hudson's Bay Company and the Russian-American Company, must have been still very fresh and vivid upon the minds of His Majesty's Ministers who had negotiated and concluded the Treaty, Russia thus proclaiming to them and to the world a clear and emphatic interpretation of the Treaty which conformed to that which the negotiators on both sides had put upon it. Was not that the time and the last time for Great Britain to speak? Could her Government lie by without a protest, and at any time afterwards claim a different interpretation which would nullify the whole object of Russia in making the Treaty? But Great Britain did

not merely lie by without a protest: she and Canada also expressly adopted this location of the boundary exactly as Russia had defined it. ‖ In 1831 the map prepared by Bouchette, Deputy Surveyor-General of the Province of Lower Canada, „published as the Act directs by James Wild, Geographer to the King, London, the 2nd May, 1831,“ traces the Russian boundary on the continent exactly according to the Russian Imperial Map of 1827. And in 1832 the map of Arrowsmith, the most authoritative cartographer of London, whose earlier map had been used by the negotiators of the Treaty, does exactly the same thing, stating upon its face that it contains the latest information which the documents of the Hudson's Bay Company furnish. And it will hardly be questioned that at that time the Hudson's Bay Company possessed all powers of Government in the British territory in that region, and was in fact the only British authority there. Can it be claimed that at the time of the publication of that map, apparently by the authority of the Hudson's Bay Company and of the British Government — at any rate, without a protest from either — they then regarded the interpretation of the Treaty on this cardinal point as an open question? And on Canadian authority maps were subsequently published defining the boundary in the same way, excluding Great Britain from all access to tide water along the whole extent of the line — notably, Devine's Map, published „by order of the Honourable Joseph Cauchon, Commissioner of Crown Lands, Crown Department, Toronto, March, 1857.“ All the map makers of the world followed suit, and a careful search has failed to discover any map published anywhere prior to 1884, in which this boundary-line did not conform to the original Russian Imperial Map of 1827.

Your Lordship suggests that the only value of that region during the period from 1825 to 1867 lay in the fur trade; that by the terms of the Treaty that trade was thrown open on equal terms for ten years to the citizens of Great Britain, Russia, and the United States; that before the ten years expired the negotiations between the Hudson's Bay Company and the Russian-American Company, which resulted in the lease by the latter to the former of the *lisière*, had been initiated; and that as that lease, though made at first for ten years, by renewals terminated on the date when Alaska was ceded to the United States, it was a matter of indifference to that Company whether it derived its rights from its British Charter or from the Russian lease. But to me it is hardly conceivable that the Hudson's Bay Company, backed by the whole power and prestige of the British Government, would, with its

approval, have accepted that lease if either the Company or the Government had had the least idea that, under the Treaty of 1825, they were entitled, as of right, to what they took by lease and to what Canada now claims; and so I insist, with renewed earnestness, that the takings of that lease and the renewals were declarations to the world that neither regarded as open the contention now made on behalf of Canada. || The information conveyed in your Lordship's note, that before the expiration of the ten years' licence provided in the VIIth Article of the Treaty, negotiations had been initiated between the Hudson's Bay Company and the Russian-American Company for the lease of the *lisière*, which appears to have been signed at Hamburg on the 6th February, 1839, and that by renewals it was terminated only on the date when Alaska was ceded to the United States, is the first to that effect that my Government has received. All the data in its possession, including the Alaska archives now in the State Department, had indicated that the negotiations for the lease had been brought about in the latter part of the year 1838, three years after the expiration of the ten years, by a note from the British Ambassador in St. Petersburgh, revising the claim of the „Dryad"—and the last record in the Alaskan archives of a renewal of it only extends it to 1865. But assuming your Lordship's information to be more accurate, we submit that both circumstances show that neither before the commencement of the lease, nor at its termination, did the Hudson's Bay Company or the British Government, which is so fully represented, regard the question now under consideration as open, or that the premises covered by the lease were in British territory: for in the one case they would have entered upon no negotiations before the expiration of the licence, and in the other would not have yielded possession without protest or murmur, but in both cases would have held on as of right. || What took place in 1857, following the appointment of a Select Committee in the House of Commons, „to consider the state of those British possessions in North America which are under the administration of the Hudson's Bay Company, or over which they possess a licence to trade," is extremely significant to show that no one concerned on the part of the Company or the Committee had any doubt about the interpretation of the Treaty on the point now being discussed. Among the members of the Committee were Lord John Russell, Lord Stanley, Mr. Roebuck, M. Gladstone, and Mr. Ellice, who was a native of Canada and a Director of the Hudson's Bay Company. Chief Justice Draper, of Canada, attended its session as the Representative of the Government of Canada; Sir George Simpson, Governor of the territory and President of the Company, was

a principal witness. In connection with his testimonies he produced a map of the territory leased, saying, „There is a margin of coast marked yellow on the map from 54° 40′ up to Cross Sound which we have rented from the North American Company for a term of years,“ and the boundary as laid down on that map conforms to the present claim of the United States, being carried around all the inlets and interior waters. The map was printed by order of Parliament, and no objection to the validity of the lease or to the correctness of the map was suggested by anybody. The lease itself was not only made with the approval of both Governments represented by the two Companies, but shortly before this Parliamentary inquiry, it had been ratified anew by both Governments. During the Crimean War, at the request of the two Companies, the territory covered by the lease was by the order of both Governments exempted from the operation of the war. || I have thus carefully reviewed all the circumstances that intervened from the negotiations of the Treaty in 1825 till the cession to the United States in 1867, a period during which, I think, we may reasonably claim that this main question was not regarded as open by either Russia or Great Britain, but that the acts of both solidly confirmed the interpretation put upon the Treaty at the beginning by Russia and ever since by her and by the United States, not only because of their conclusive effect, but because it is necessary to bear this prior history in mind in considering the subsequent facts relied upon by your Lordship as indicating that both parties subsequently regarded this question as open, and also to keep clearly in mind the distinction between this fundamental question and the actual demarcation in accordance with the spirit and intent of the Treaty as thus uniformly interpreted by both parties, which was always open and never could be accomplished until after a complete survey of the region through which the line ran. || Bearing these things in mind, I submit to your Lordship that it is impossible to sustain the suggestion that President Grant, in his Annual Message to Congress in December 1872, accepted the view that „the interpretation of the boundary Articles of the Treaty was entirely an open question as to which each Government was free to urge its own views.“ On the contrary, no such idea can be read even between the lines of his message. Indeed, he asserts the boundary to be an „admitted boundary,“ and only alludes to the line as being undetermined in the sense of its never having been surveyed and marked down; and the message furnishes a very strong argument in support of our present contention that the main question was not open. | It will be remembered that the Award of the Emperor of Germany in the San Juan

Case had just then been made. The questions involved were in some respects singularly like those involved here: first, whether the water boundary described in the Treaty ran through Rosario Channel or through Haro Channel; and, second, whichever channel was decided to be the one, to survey and mark it out according to the spirit and intent of the Treaty. The British Commissioners had proposed that the Arbitrator should have the right to draw the boundary through an intermediate channel. The American Commissioners declined this proposal, stating that they desired a decision and not a compromise; and the submission to the Emperor was to determine whether it ran through one channel or the other, and his Award hat been that it was most in accordance with the true interpretation of the Treaty that the boundary-line should be run through the Haro Channel; but this left still undetermined the tracing out and marking of the line in conformity with the Award.

President Grant, having in his Message stated the history of the case and his satisfaction with the Award, and with the prompt and spontaneous action of Her Majesty's Government giving effect to it, and having already said, „The Award leaves us, for the first time in the history of the United States as a nation, *without a question of disputed boundary between our territory and the possessions of Great Britain on this continent,*" proceeds:— || „It now becomes necessary to complete the survey and determination of that portion of the boundary-line (through the Haro Channel) upon which the Commission which determined the remaining part of the line were unable to agree. I recommend the appointment of a Commission to act jointly with one which may be named by Her Majesty for that purpose. || „Experience of the difficulties attending the determination of our admitted line of boundary, after the occupation of the territory and its settlement by those owing allegiance to the respective Governments, points to the importance of establishing by natural objects or other monuments the actual line between the territory acquired by purchase from Russia and the adjoining possessions of Her Britannic Majesty. The region is now so sparsely occupied that no conflicting interests of individuals or of jurisdiction are likely to interfere to the delay or embarrassment of the actual location of the line. If deferred until population shall enter and occupy the territory, some trivial contest of neighbours may again array the two Governments in antagonism. I therefore recommend the appointment of a Commission to act jointly with one that may be appointed on the part of Great Britain, to determine the line between our territory of Alaska and the conterminous possessions of Great Britain. (For. Rel., U. S., 1897)." || Is it not abso-

lutely certain that no idea of there being any opon question about the interpretation of the Treaty had ever entered the President's mind? He declares it to be „an admitted line of boundary," and recommends, exactly as in the San Juan Case upon the footing of the Award, „a Joint Commission to determine the line." || President Grant's recommendation was occasioned by personal conference between the British Minister, Sir Edward Thornton, and the Secretary of State, Mr. Fish, in the preceding month, in which the former, under instructions from the Foreign Office, proposed the appointment of a Joint Commission for the purpose of defining the boundary between Alaska and British Columbia, and he reported, under date of the 25th November, that Mr. Fish stated that the President had determined to recommend in his Annual Message that a Joint Commission be appointed „for the purpose of laying down the boundary." || On the 23rd December of the same year Sir Edward Thornton, referring to his previous conference with Secretary Fish, transmitted to the Foreign Office a copy of the Bill introduced in Congress „authorizing the survey and marking of the boundary" (see Canadian Session Papers 1878, No. 125, pp. 6, 7, 8). In no part of this correspondence is there any intimation that the interpretation of the Treaty was in dispute. It was merely a movement to have the boundary fixed by the Treaty surveyed and marked. || When gold was discovered in the Cassiar region, which was reached through the Stikine, and the passage of miners up that river ensued, it was deemed wise to have the eastern boundary of the *lisière* where it crosses that river more accurately defined, which led to the movement in 1873—74 on the part of the two Governments for a joint survey. The cost of a survey of the entire boundary being objected to, it was suggested in a conference between Sir Edward Thornton and Secretary Fish, that it would be sufficient to fix the boundary at certain named points, viz., the head of the Portland Canal, „the points where the boundary-line crosses the Rivers Skoot, Stikine, Taku, Islecat, and Chilkat, Mount St. Elias, &c." The Legislative Assembly of British Columbia, in petitioning the Canadian Government for a survey, refers to it as „the boundary of the 30-mile belt of American territory." Dennis, Surveyor-General of Canada, to whom the matter was referred, restated the points to be determined, and named the rivers, viz., Skoot, Stikine, Taku, Islecat, and Chilkat. The Skoot was at no point nearer than 25 miles to tide water, and the points of crossing of the rivers were far above the heads of inlets into which they emptied. The survey was agreed upon, but failed because Congress made no appropriation; but it is clear that the British and Canadian

authorities understood that the eastern boundary of the strip crossed the rivers named at some point above their mouths, which are at the head of inlets, including Lynn Canal, and that the boundary could not therefore cross any of those inlets, which is quite inconsistent with the theory that the question was then regarded as open whether the *lisière* ran around the inlets or crossed their mouths. || In the years 1874 to 1876 questions arose as to the proper location of customhouses of the two Governments on the Stikine River, and the point in dispute centered around the crossing of the river by the boundary-line 30 miles in a direct line from the coast. The British Minister, reciting the complaint, stated that the British customhouse was „supposed to be within the United States' territory — that is, within the 10 marine leagues from the coast." The Privy Council of the Dominion of Canada, in moving the Governor-General to bring the subject of the survey again to the attention of the United States, recites that „the Stikine River intersects the international boundary in the vicinity of the 57th degree of north latitude", that is, 30 nautical miles from the coast in a direct line. || It is admitted by your Lordship that in 1873 the discussion between the two Governments was entirely confined to the question of a joint survey, an indispensable preliminary to any attempt to fix the boundary, and „never touched upon the interpretation of the Treaty." But my Government cannot agree to the proposition that „in the complete absence of topographical information as to the country, it was obviously impossible to discuss that question, and that it was tacitly avoided by both sides." What could the absence or presence of topographical information as to the country have to do with the question whether the *lisière*, by the true interpretation of the Treaty, ran around the inlets or across their mouths? Whether it was intended to be a continuous border of solid land, which should serve as an effectual barrier against the access of the Canadians to salt water, or should be no strip at all, but a broken series of portions of the coast, admitting Canada to full possession and enjoyment of the interior waters in many places? And how could the suggestion of Secretary Fish as to the points where the boundary described in the Treaty crossed the rivers, all of which were points of considerable distance above the inlets, fail to command the attention of Her Majesty's Government if it had all this time been of opinion that the upper part of these inlets was in each case in British territory? If, as your Lordship concedes, the subject of the interpretation of the Treaty was in that correspondence tacitly avoided on the side of Great Britain, may we not fairly claim that the reason for silence on the part of the United States was because the positive

interpretation which had been publicly and uniformly asserted by Russia and themselves for nearly fifty years had never been questioned — in other words, because there was no question? Certainly the United States never avoided it, tacitly or otherwise.

My Government does not regard what took place between the two Governments in 1876—77 in the case of Peter Martin as having any conclusive bearing. My reference to it in my note of the 9th August was quite casual, as to one of the very few instances in which there had been any correspondence on the subject of the boundary; but there are certain features in that case which are relevant. No one can read the notice of Secretary Fish to Sir Edward Thornton of the 10th January, 1877, and impute to him any suspicion that the interpretation of the Treaty definition of the boundary on the point now under consideration was open, or that anything was left undetermined except the exact location of the admitted boundary-line. He says: — || „The absence of a line defined and marked on the surface of the earth as that of the limit or boundary between the two countries cannot confer upon either a jurisdiction beyond the point where such line should in fact be — that is, the boundary which the Treaty makes the boundary. Surveys make it certain and patent, but do not alter rights or change rightful jurisdiction.“ || It is quite true that the Minister of Justice recommended that the release of Martin be put upon the ground of the conveyance of the prisoner through American territory. But the British Chargé, in his note to Mr. Fish, did not state the ground upon which the release was ordered; and the proceedings seemed to involve a tacit concession on the part of Great Britain that the place of the assault was in American territory. The demand for his release was upon that ground, and the British Minister so understood it. In examining the Canadian documents in relation to the case, it appears that the Surveyor, who was sent by the Canadian Surveyor-General to visit the locality, reported four months before the release of Martin that the assault for which Martin was tried was committed in the territory of the United States 13 miles from the mouth of the Stikine River; and the Minister of Justice, to whom the case was referred for investigation, reported to the Privy Council that the assault was upon American territory, and no suggestion to the contrary was made by any one on the part of Great Britain. || In my note of the 9th August I made no reference to Mr. Bayard's note to Mr. Phelps of the 20th November, 1885, and to the correspondence which that note initiated. This omission was not from overlooking that note and correspondence, but because a careful reading of it had satisfied me; and now

that your Lordship has brought it up, I submit to your candid judgment that Mr. Bayard did not there take the view that the interpretation of the boundary Articles of the Treaty was an open question, but only that the demarcation of the line was undetermined and was full of difficulties in the then state of topographical knowledge. Of course Mr. Bayard in that note made no claim that the interpretation of the Treaty as regards any particular part of the boundary-line was no longer open, for nobody, so far as we can discover, had up to that date claimed that it was open. Certainly no one on the part of Her Majesty's Government had done so. || Undoubtedly Mr. Bayard did point out in that note that „no question concerning the true location of the line stipulated in the Treaty had ever arisen between Great Britain and Russia prior to the cession of Alaska to the United States.“ But in the same paper and in the same connection he had already said, „It is certain that no question has arisen since 1867 between the Governments of the United States and Great Britain in regard to this boundary,“ thus covering the whole period from 1825 to 1885. || In view of these emphatic declarations, my Government is at a loss to understand how he can be held to have sustained the view that at the latter date the interpretation of the Treaty as to the boundary was an open question between the two Governments. || All the statements of Mr. Bayard and Mr. Phelps in the correspondence that followed must be read in the light of these declarations and the view of the object at which they were aiming, viz., to obtain, not an arbitration to interpret the Treaty, but a Joint Commission which should make a survey of the line stipulated by the Treaty, or, as Mr. Bayard afterwards limited it (in his subsequent instruction of the 19th March, 1886, to Mr. Phelps), to „an Agreement for a preliminary survey of the Alaska boundary with a view to the discovery of such natural outlines and objects as may be made the basis for a future formal Convention for the survey of the boundary-line.“ || He was deeply impressed with the extreme difficulty and enormous expense of a survey of the boundary-line — difficulties and expense which we think have been very greatly reduced by the Report of the Joint Commission appointed in 1892 and the maps prepared by that Commission — but all that Mr. Bayard and Mr. Phelps said may be read in vain for any indications of a doubt in the mind of either, whether the *lisière* was a continuous and solid strip of land running around the inlets, and excluding Great Britain from access to the sea in every part of its length, or a congeries of broken strips interrupted at the mouth of every inlet and admitting her to exclusive possession of all parts of every inlet above a point crossed by a line drawn from the

crests of the mountains nearest to the coast. The difficulties of which Mr. Bayard treated at great length were the same which Mr. Fish and the experts of both Governments then consulted had encountered in 1872, but neither then nor in 1885 did they suggest a divergence of views as to the interpretation of the Treaty. || When the Earl of Iddesleigh sent the Canadian Map to Mr. Phelps with his note of the 27th August, 1886, and felt called upon to disavow the correctness of the line of boundary as marked on it, he raised no question about the interpretation of the Treaty of 1825 — certainly none as to whether the *lisière* ran around the inlets, so as to keep Canada at all points 30 marine miles from salt water — but pointed directly and exclusively to the doubt which had always existed as to the exact location of the boundary-line, the eastern edge of the *lisière*, occasioned by the alternative clauses of the Treaty defining it by parallel mountain summits, or in their absence by the 10 leagues. He says that the boundary-line shown on the map „is merely an indication of the occurrence of a dividing line *somewhere in that region*;" and he goes on to explain what he means by that and why no weight could be attached to it, inasmuch as the Treaty „*which defines the line* makes its location depend on alternative circumstances — the occurrence or non-occurrence of monntains, and, as is well known to all concerned, the country has never been topographically surveyed." Surely, considering that at that time, more than sixty years since the Treaty, the question now raised had never been suggested, nor any question about the meaning of „the coast" or „the sinuosities of the coast," the phrases employed in the Treaty, he could not have intended covertly to raise it for the first time by the languages used, nor could he have believed that our Government would so understand that language, which by the ordinary rules applicable to diplomatic correspondence, or to any correspondence, must be limited to its obvious meaning; for after sixty years of silent acquiescence, and occasional active concurrence in the interpretation publicly asserted by Russia and the United States, if he intended to raise such a radical question to the contrary, he should have done it in unmistakable terms. The Earl of Iddesleigh's language is in exact conformity with the inscription upon the map itself, which he inclosed, and which doubtless suggested to him the caution which he gave. || „The boundary between British Columbia and Alaska, as shown upon this map, is taken from a map of British Columbia published in 1871, under the direction of . . . . Surveyor-General for the Province of British Columbia; but no steps have yet been taken by the Canadian Government to verify what degree of accuracy may be attached to the boundary thus laid down."

The same observations apply in full force to the language quoted by your Lordship from the Memorandum given to Mr. Secretary Bayard by Sir L. S. Sackville West in September 1887. There was no more reason why the United States' Government should take exception to this declaration than to that of Lord Iddesleigh, already discussed. || In April 1886, Sir L. West had been instructed by Lord Rosebery to inform the Government of the United States that Her Majesty's Government are prepared to take part in the preliminary investigation of the boundary question. And Lord Rosebery had notified Mr. Phelps that he did not propose to move further in the matter until he knew what action was taken towards an appropriation by Congress. || In the meantime, Lieutenant Schwatka having been sent to Alaska, not by the United States' Government, but by General Miles, then commanding the Departement of the Columbia, and not to make any survey, but to gather information for military purposes, had made his Report, and neither the Report nor the map which accompany it delineating his route disclose any boundary survey on his part or the fixing of any points for the boundary. His Report, however, casually stated that „the country beyond Perrier Pass,“ which by his map appears to be more than 20 leagues beyond the head of Lynn Canal, „lying in British territory, lessens the interest of this trail beyond the pass to the military authorities of our Government.“ This remark, which from the context is shown to be merely incidental to the narrative of his journey, hat no further significance than an assertion on his part that the Kotush mountains are situated in British territory. || And Sir L. West, in his Memorandum, so far from raising any question about the interpretation of the Treaty, or claiming that the question now presented was open, expressly declined to raise any discussion even in regard to the position of the boundary, but merely called attention to Lieutenant Schwatka's statement, so that no prejudice might come from silence about it. There is no indication that either he or Lord Rosebery had any idea that any question of interpretation existed. || I venture to suggest that your Lordship may have inadvertently, and without full consideration of the circumstances, laid too much stress upon Dr. Dawson's letter of February 1888, which comes next in order of time. Your Lordship draws the conclusion that „Dr. Dawson, during the sittings oft the Joint High Commission of 1888, made it distinctly clear that *Her Majesty's Government* claimed the boundary should, in accordance with the terms of the Treaty, cross all narrow waters that were of such width as to be within territorial jurisdiction,“ and „that United States' citizens who have settled recently at the head of the Lynn Canal have

done so with the full knowledge," as given in that letter, „that they were settling in disputed territory." || It appears by the documents transmitted to Congress by President Cleveland, the 2nd March, 1889, that Secretary Bayard reported that „during the session of the Fisheries Conference of 1887 — 88 in Washington it was suggested that an informal consultation between some person in this country possessing knowledge of the question in dispute and a Canadian similarly equipped might tend to facilitate the discovery of a basis of agreement between the United States and Gread Britain upon which a practical boundary-line could be established. || Mr. Bayard then proceeds to state that to this end several conferences were held between Professor Dall, of the United States' Geological Survey, and Dr. Dawson, an eminent Canadian authority, but without any other result than that each of these gentlemen had given his account of these Conferences — the former to the Secretary of State, the latter to Sir Charles Tupper — which, together with other docutments, including a letter of Dr. Dawson to Sir Charles Tupper on the boundary question and Memorandum of Professor Dall on the same subject, with maps, were submitted. Professor Dall, in his report of the interviews, says: — || „It was mutually announced and agreed that the meeting was entirely informal; that neither party had any delegated authority whatever," and it is quite clear that they had no governmental authority whatever on either side. „It was thought that if Dr. Dawson and myself could unite in recommending some plan as practicable, that opinion or plan would be entitled to some consideration." These Conferences were not held „during the sittings of the Joint High Commission of 1888," and this, the first suggestion that has come to our knowledge „that the boundary should, in accordance with the terms of the Treaty, cross" any waters, was not presented before the Commission, but in this „informal meeting" where „neither party had any delegated powers whatever." It appears by Dr. Dawson's letter, upon which your Lordship relies, that he did not put forward this idea as originally his own, or one for which he was responsible, or as a claim in any sense of Her Majesty's Government, but as the view of a Canadian land surveyor, General Cameron, which he says in his letter to Sir Charles Tupper „may be substantially adopted," and he courteously furnisches Professor Dall with a copy of the letter as stating clearly General Cameron's views. It was wholly immaterial whether Dr. Dawson adopted General Cameron's views or not; but Sir Charles Tupper, who was then in Washington, and was keenly alive to the importance of everything bearing on the Alaska boundary was in no mood to adopt them. He appears purposely

to have refrained from doing so; for in communicating to the Secretary of State a copy of this letter of Dr. Dawson, he refers to it as explanatory, not of the views of himself, or of the Canadian or the Imperial Government, but of Dr. Dawson's own views. || I annex a copy of Sir Charles Tupper's letter. || Professor Doll describes them as „some very surprising claimt" and as „the singular hypotheses regarding the boundary-line which have been emitted by General Cameron of Canada, and which are formulatet in the accompanying letter to Sir Charles Tupper." And Mr. Bayard refers to them as „certain views of General D. R. Cameron, as submitted in the letter of Dr. Dawson." Certainly, therefore, Her Majesty's Government made no such claim. And if there was any purpose on the part of the Canadian Government of making it, such purpose was very studiously and successfully disguised. I think it will appear that neither the Canadian nor the Imperial Government adopted or put forward this claim until after the Protocol of the 30th May, 1898. || If the views of Her Majesty's Government as to the boundary were fully stated at the Conference held in Washington in February 1892, with members of the Canadian Cabinet and the British Minister, and a suggestion was submitted for a reference of the question to arbitration, it does not appear of record in the Department of State, and no information of such a proposition is in its possession. No Protocol of the Conferences was made, as it was understood in advance that they were to be of an informal and private character; but Secretary Blaine submitted to the President a Report of some length in regard to the February Conference, as did Mr. Foster with respect to the second Conference in June — both of which were transmitted to Congress, and published (Senate Ex. Doc. 114, fifty-second Congress, first Session, pp. 3 — 43). || These Conferences were brought about because of the Canadian Government against a Reciprocity Treaty with Newfoundland; and in the preliminary arrangements for the meeting, while a number of subjects were suggested for consideration, *the Alaska boundary was not mentioned.* Almost the entire time was taken up with commercial questions, of which Mr. Blaine makes full report, and very briefly refers to other questions, among them „a commission to fix the boundary separating Alaska from British territory," but there is no intimation of so serious a proposition as an arbitration of that question. || I am not able to perceive, therefore, that a proposition on the part of the British Representatives, assuming it to have been made at such an informal Conference in the terms quoted by your Lordship, but which the American Representatives refused to consider, can be regarded as raising or opening the question of the

interpretation of the Treaty now under consideration. Undoubtedly, if that suggestion had been adopted and carried into an executed agreement, it might have been possible under it to raise before the Tribunal any question whatever; but as a rejected proposition in the form stated it opened nothing, certainly not the question of interpretation of the Treaty raised by Canada's present claim.

It is suggested by your Lordship that the Treaty which was soon afterwards signed by the Secretary of State, Mr. Foster, and the British Chargé, Mr. Herbert, was, and was expressed to be, „with a view to the ascertainment of the facts and data necessary to the permanent delimitation of said boundary-line in accordance with the spirit and intent of the existing Treaties;" and that it was „agreed that as soon as practicable after the Report of the Commission shall have been received, they will proceed to consider and establish the boundary-line in question." These facts and data were to be the result of the surveys of scientific experts, and no inference can be drawn from this Convention that there existed any divergence of views as to the interpretation of the Treaty of 1825, especially as to the point now under consideration. It brought no such claim to the attention of the American Government. What was postponed, to be taken up after the Reports of the Commission should come in, and upon the facts and data derived from such Reports, was the consideration and establishment of the boundary-line. And it is now believed that with the light thrown upon the topography of the country by the elaborate series of maps on which the results of the joint survey were embodied, if the question now raised whether the *lisière* runs around the inlets or across their mouth were decided, the actual location of the boundary in either view could be easily made by agreement or by the present Joint High Commission. || So far as the records of the State Department disclose, the first proposition submitted by the British Government for an arbitration of the Alaska boundary was contained in the note of the British Ambassador, Sir Julian Pauncefote, to Secretary Sherman, which it now appears by your Lordship's despatch he was directed to write before Her Majesty's Government had received the maps referred to. It is true that in this note he refers to „the wide divergence of views existing," but when he comes to explain this by particularizing the line respecting which his Government is most concerned, he says: — || „The great traffic which is now attracted to the valley of the Yukon, in the North-West Territory, by the recent discovery of gold in that region, finds its way there from the coast principally through certain passes at the head of Lynn Canal, and it becomes

more important than ever for jurisdictional purposes that the boundary, especially in that particular locality, should be ascertained and defined." || This was the last statement of the views of the British Government before the creation of the Joint High Commission, and it developed the fact that up to that time the divergence now so much emphasized was more apparent than real, as it recognized that the line in dispute about the head of Lynn Canal was in the neighbourhood of the passes. And this is the case in every instance cited in your Lordship's despatch where the British Government has made any daclaration of its views. I have already commented on the Earl of Iddesleigh's letter to Mr. Phelps in 1886. In 1887—88 when the British and American Customs officials came into conflict on the Stikine River, and Sir Edward Thornton submitted a proposition for a settlement, the question was whether the line in accordance with the Treaty should be drawn across the river where the Canadian surveyor had placed it 20 miles from tide water, or 30 miles. In 1872, when the effort was made for the creation of a Commission to mark the boundary, it has been shown that there was a concurrence of opinion between the two Governments that the line should be drawn across the rivers named, among which was the Skoot, which at no point was less than 25 miles from tide water. It is clear that in every instance when up to the creation of the Joint High Commission the British Government has made any representation to the Government of the United States respecting the boundary, it has related to the eastern or interior line of contact with Canadian territory, either on the rivers or in the mountain passes, and that whatever uncertainty or difference of views was manifested arose from the want of precise knowledge as to the topography of the country, and did not concern the interpretation of the Treaty. It is also clear that at no time previous to the 3rd August, 1898, has the British Government intimated to the Government of the United States a claim to the waters of the inlets extending into the strip of mainland set off to Russia by the Treaty of 1825. || Certainly, until such claim was made, and the rights of the United States under the Treaty in the territory now disputed were challenged, there was no occasion for them to refer to the subject of possession, occupation, or political control in any correspondence with Great Britain: but we maintain that possession, occupation, and political control of the territory now disputed were exercised continuously from 1825 to the present time by Russia and the United States in succession, and such exercise is in its nature claim of title. || I have refrained in this communication from importing any extraneous considerations and arguments in support of an

interpretation of the Treaty of 1825, but have limited it to what seems to me to be cogent and conclusive grounds for the assertion that its interpretation on the point presented has not been open in the long period from 1825 to 1898. It is true that these views would be entitled to equal consideration before a Tribunal appointed to interpret the Treaty and settle the boundary, but the uniform acquiescence and occasional concurrence of one party in an interpretation openly proclaimed and acted on by the other, seems to be a complete answer to the claim that that interpretation continues open. || If the British or Canadian Government had at any time desired to enter a protest against the claim of the United States, abundant official data existed upon which such a protest might have been based. In 1867, immediately after the signing of the Treaty of Cession, the Department of State issued an official map of the territory of Alaska, on which the international boundary was traced, carrying it well beyond the sources of the streams emptying into Lynn Canal, and this line has been accepted in all the cartographic publications of our Government since that date. In 1883 the Secretary of State sent to the British Minister in Washington, at his request, copies of the Annual Reports of the United States' Coast and Geodetic Survey for 1874 and for other succeeding years, containing boundary limits of a similar character. || The Census publications of 1880 and 1890 not only contained a similar map, but also an enumeration of the Indian tribes of the territory, including those inhabiting the country about the head of the Lynn Canal. Many other publications of a similar character might be cited. Her Majesty's Government, however, held its peace during the time of these publications, and entered no claim to any part of the Lynn Canal until after the Protocol had been signed in 1898, providing for a Joint High Commission to adjust unsettled Canadian questions. || The first presentation by Her Majesty's Government of the present claim of Canada was made in the instructions issued by the Foreign Office to the British members of that Commission, bearing date the 19th July 1898, which was received by the Secretary of State on the 3rd August in that year. During the Conferences of that Commission, the American Delegates asserted that no such claim had ever been put forward by the British Government previous to the creation of the Commission, and the assertion was not called in question. Chairman Fairbanks, in his letter to Lord Herschell of the 14th February, 1899, referring to this claim, used this language: — || „Our first advices on this subject were received at your hands since our Sessions began at Quebec . . . . If the views you now present have been urged upon the attention of the United States at

any time prior to the original Protocol (30th May, 1898), we shall esteem it a favour if you will be good enough to direct us to the fact and date; further, we shall be pleased if you will advise us at what time since 1825 the British Government made claim on either Russia or the United States to any territorial rights round the upper part of Lynn Canal." || To this Lord Herschell, in his letter of the 15th February, 1899, replied: — || „The statement that the views of the British Government had not been made known till that time (the assembling at Quebec the 23rd August, 1898) is erroneous. The instructions given us by the British Government made it perfectly clear that the upper part of the Lynn Canal was claimed as British territory . . . . A copy of these instructions were sent on the 1st August, 1898, to the United States' Secretary of State." || To this letter Chairman Fairbanks, under date of the 16th February, 1899, responded as follows: — || It is quite true, as stated in your letter of yesterday, that the instructions of your Government were sent to our Government a few days before the Quebec meeting, but they did not, in fact, come to the attention of the Commissioners until they assembled at Quebec. You will no doubt recall the observation made by General Foster, during your presentation of the British Case upon the boundary, that the view then advanced by you respecting the head of the Lynn Canal was the first distinct statement of the British claim. I do not recall that you seriously disputed it."

Thus the exact *punctum temporis* of the first assertion of this claim of Canada by Her Majesty's Government is fixed. Your Lordship says that „the question immediately under discussion is whether or not the dispute as to the boundary should be referred to arbitration, and it is difficult to understand why the length of time during which the rival claims to disputed territory have been matters of controversy should form an element to be taken into consideration in that connection." But I may be pardoned, at the expense perhaps of painful repetition, for saying that the precise question under immediate disscussion is not whether there should be an arbitration, but assuming both sides to be so disposed, whether the terms and scope of the Venezuelan Arbitration, where the Arbitrators were left free to wander over the whole breadth of territory which had been the subject of constant and open dispute for more than a century, and to make the boundary which they could not find, should be applied to this case, where a line fixed by a Treaty in 1825, a plain interpretation of which has been uniformly and publicly asserted by ohne party without question or protest by the other for seventy-three years, is at the end of that time assailed and a new line

claimed — and where the one claim or the other must be right — leaving no middle ground on which to create a boundary in the place of the one fixed by the Treaty. || I am sure that these views, offered at your Lordship's suggestion, will receive consideration at the hands of Her Majesty's Government. || I beg to assure your Lordship that the Government of the United States is under no misapprehnsion as to the nature and scope of the proposal for arbitration submitted by Her Majesty's Government. If I dwelt almost exclusively in my note of the 9th August, as I have done in this communication, "upon the boundary in the neighbourhood of the Lynn Canal," it was because I took that as the most striking example of all the inlets, and because I regarded the question whether the boundary of the Treaty runs around them or across their mouths as the most important and as the ohne which keeps us so far apart. For, if this question were once solved, neither the question of the water boundary, described in the Treaty as „ascending to the north along the channel called Portland Channel," nor the actual demarcation of the land line by mountain crests or by the 10-league measure would, I think, be difficult to tettle either by Convention or by the aid of the Joint High Commission. While the claim of Her Majesty's Government is not stated with absolute distinctness in your letter of instruction of the 19th July, 1898, it was to be inferred from its perusal that the British Commissioners would maintain that under the Treaty Great Britain should at least be entitled to a portion of Lynn Canal. And in the conferences of the Commission a map was submitted by them (doubtless the one referred to by your Lordship) with a boundary-line traced upon it setting forth the British claim, which developed a divergenze of views as to the line, not only in the region of the Portland Canal, but along the entire mainland of the *lisière.* It is therefore distinctly understood that the British proposal of arbitration relates not only to the entire line of the strip of territory from Portland Canal to Mount St. Elias on the mainland, but that it embraces in the submission the British claim to a portion of all the inlets extending into the mainland, and to the greater part of Lynn Canal." || I need not repeat what I said in my note of the 9th August, as to the necessity of excepting from the perils of any arbitration settlements made by American citizens in good faith under the authority and actual jurisdiction of the Government of the United States before the claim now made on the part of Canada was ever presented by Her Majesty's Government. Such necessity and the injustice of involving them in an arbitration are too obvious. Joseph H. Choate.

Nr. 13217. VEREINIGTE STAATEN. — Vertragsentwurf.

Convention between the United States of America and the United Kingdom of Great Britain and Ireland for determining by Arbitration the true Treaty-boundary between the Territory of Alaska and the British Possessions in North America.

(Communicated unofficially by Mr. Hay and forwarded by Lord Pauncefote, May 10, 1901.)

The United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, equally desirous for the friendly and final adjustment of the differences which exist between them in respect to the true meaning and application of certain clauses of the Convention between Great Britain and Russia, signed the 16th (28th February, 1825, which clauses relate to the delimitation of the boundary-line between the British possessions in North America and the territory of Alaska, now a possession of the United States, in virtue of the cession thereof to the United States by Russia by the Convention between the last-named Powers, signed at Washington, the 30th March 1867, wherein said clauses are embodied as defining the said territory so ceded, have resolved to provide for the submission of the questions as hereinafter stated to arbitration, and to that end have appointed their respective Plenipotentiaries as follows: — || The President of the United Staates of America, the Honourable John Hay, Secretary of State of the United States; and || Her Britannic Majesty, the Right Honourable Lord Pauncefote, G.C.B., B.C.M.G., Her Britannic Majesty's Ambassador Extraordinary and Plenipotentiary: || Who, after an exchange of their full powers, which were found to be in good and due form, have agreed upon the following Articles: —

Article I.

An Arbitral Tribunal shall be immediately appointed to consider and decide the questions set forth in Article IV of this Convention. The said Tribunal shall consist of six impartial jurists of repute, each of whom shall before entering upon his duties subscribe an oath that he will impartially consider the arguments and evidence presented to the Tribunal and decide thereupon according to his true judgment. Three members of the Tribunal shall be appointed by the President of the United States and three by Her Britannic Majesty. All questions considered by the Tribunal, including the final Award, shall be decided by a majority of all the Arbitrators. || In case of the refusal to act, or of the death, incapacity, or abstention from service of any of the persons so

appointed, another impartial jurist of repute shall be forthwith appointed in his place by the same authority which appointed his predecessor. || The Arbitrators may appoint a Secretary, and such other officers as may be requisite to assist them, and may employ scientific experts, if found to be necessary; fixing a reasonable compensation for such officers and such experts. The Tribunal shall keep an accurate record of all its proceedings. || Each of the High Contracting Parties shall make compensation for the services of the Arbitrators of its own appointment, and of any Agent, Counsel or other person employed in its behalf, and shall pay all costs incurred in the preparation of its Case. All expenses reasonably incurred by the Tribunal in the performance of its duties shall be paid by the respective Governments in equal moities. || The Tribunal may, subject to the provisions of this Convention, establish all proper rules for the regulation of its proceedings.

Article II.

Each of the High Contracting Parties shall also name one person to attend the Tribunal as its Agent to represent it generally in all matters connected with the arbitration. || The written or printed Case of each of the two Parties, accompanied by the documents, the official correspondence, and all other evidence in writing or print on which each Party relies, shall be delivered in duplicate to each of the Arbitrators, and to the Agent of the other Party, as soon as may be after the organization of the Tribunal, but within a period not exceeding   months from the date of the exchange of ratifications of this Treaty. || Within four months after the delivery on both sides of the written or printed Case, either Party may, in like manner, deliver in duplicate to each of the Arbitrators, and to the Agent of the other Party, a Counter-Case, and additional documents, correspondence, and evidence in reply to the Case, documents, correspondence, and evidence so presented by the other Party. The Tribunal may, however, extend this last-mentioned period when, in their judgment, it becomes necessary by reason of special difficulties which may arise in the procuring of such additional papers and evidence. || If, in the case submitted to the Tribunal, either Party shall have specified or referred to any report or document in its own exclusive possession without annexing a copy, such Party shall be bound, if the other Party shall demand it, to furnish to the Party applying for it a duly certified copy thereof; and either Party may call upon the other, through the Tribunal, to produce the original or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the Arbi-

trators may require. || Each Party may present to the Tribunal all pertinent evidence, documentary, historical, geographical, or topographical, including maps and charts, in its possession or control which it may deem applicable to the rightful decision of the questions submitted; and if it appears to the Tribunal that there is evidence pertinent to the case in the possession of either Party, and which has not been produced, the Tribunal may in its discretion order the production of the same by the Party having control thereof. || It shall be the duty of each Party through its Agent or Counsel, within two months from the expiration of the time limited for the delivery of the Counter-Case on both sides, to deliver in duplicate to each of the said Arbitrators and to the Agent of the other Party a written or printed Argument showing the points and referring to the evidence upon which his Government relies. The Tribunal may, if they shall deem further elucidation with regard to any point necessary, require from either Party a written, printed, or oral Statement or Argument upon the point; but in such case the other Party shall have the right to reply thereto.

Article III.

It is agreed by the High Contracting Parties that the Arbitral Tribunal shall consider in the settlement of the questions submitted to its decision the Conventions respectively concluded between His Britannic Majesty and the Emperor of All the Russias under date of the 16th (28th) February, A. D. 1825, and between the United States of America and the Emperor of All the Russias concluded under date of the 18th (30th) March, A. D. 1867; and particularly the Articles III, IV, V, and VII of the first-mentioned Convention, which in the original text are word for word as follows: —

„III. La ligne de démarcation entre les possessions des Hautes Parties Contractantes sur la côte du Continent et les Iles de l'Amérique Nord-Ouest, sera tracée ainsi qu'il suit: — || A partir du point le plus méridional de l'île dite *Prince of Wales*, lequel point se trouve sous le parallèle du 54° 40′ de latitude nord, et entre le 133e et le 131e degré de longitude ouest (méridien de Greenwich), la dite ligne remontera au nord le long de la passe dite *Portland Channel*, jusqu'au point de la terre ferme où elle atteint le 56e degré de latitude nord; de ce dernier point la ligne de démarcation suivra la crête des montagnes situées parallèlement à la côte, jusqu'au point d'intersection du 141e degré de longitude ouest (même méridien): et, finalement, du dit point d'intersection, la même ligne méridienne du 141e degré formera, dans son prolongement jusqu'à la Mer Glaciale la limite entre les possessions Russes et Britanniques sur le Con-

tinent de l'Amérique Nord-Ouest. || IV. Il est entendu, par rapport à la ligne de démarcation déterminée dans l'Article précédent: || 1. Que l'île dite *Prince of Wales* appartiendra toute entière à la Russie. || 2. Que partout où la crête des montagnes qui s'étendent dans une direction parallèle à la côte depuis le 56e degré de latitude nord au point d'intersection du 141e degré de longitude ouest, se trouverait à la distance de plus de 10 lieues marines de l'océan, la limite entre les possessions Britanniques et la lisière de côte mentionnée ci-dessus comme devant appartenir à la Russie, sera formée par une ligne parallèle aux sinuosités de la côte, et qui ne pourra jamais en être éloignée que de 10 lieues marines. || V. Il est convenu, en outre, que nul établissement ne sera formé par l'une des deux Parties dans les limites que les deux Articles précédens assignent aux possessions de l'autre. En conséquence, les sujets Britanniques ne formeront aucun établissement soit sur la côte, soit sur la lisière de terre ferme comprise dans les limites des possessions Russes, telles qu'elles sont désignées dans les deux Articles précédens; et, de même, nul établissement ne sera formé par des sujets Russes au delà des dites limites. || VII. Il est aussi entendu que, pendant l'espace de dix ans, à dater de la signature de cette Convention, les vaisseaux des deux Puissances, ou ceux appartenans à leurs sujets respectifs, pourront réciproquement fréquenter, sans entrave quelconque, toutes les mers intérieures, les golfes, havres, et criques sur la côte mentionnée dans l'Article III, afin d'y faire la pêche et le commerce avec les indigènes."

The Arbitrators shall also take into consideration any action of the several Governments, or of their respective Representatives, preliminary or subsequent to the conclusion of said Treaties, so far as the same tends to show the intendment of the Parties in respect to the limits of their several territorial jurisdictions under and by virtue of the provisions of said Treaties.

Article IV.

The said Tribunal shall answer and decide the following questions:— || 1. Referring to Article III of said Treaty of 1825 between Great Britain and Russia, was it intended thereby that the line of demarcation should be traced from the southernmost point of the island, now known as the Prince of Wales Island, along the parallel of 54° 40′ north latitude to the passage now commonly known and marked on the maps as the „Portland Channel," and thence along the middle of said channel northward until said northward line shall reach on the mainland of the continent the 56th degree of north latitude? || If not, how should said line be traced to conform to the provisions of said Treaty? || 2. In extending the line of de-

marcation northward from said point on the parallel of the 56th degree of north latitude, following the crest of the mountains situated parallel to the coast until its intersection with the 141st degree of longitude west of Greenwich, subject to the condition that when such line should exceed the distance of 10 marine leagues from the ocean, then the boundary between the British and the Russian territory should be formed by a line parallel to the sinuosities of the coast, and distant therefrom not more than 10 marine leagues, was it the intention and meaning of said Convention of 1825 that there should remain in the exclusive possession of Russia a continuous fringe or strip of coast on the mainland, 10 marine leagues in width, separating the British possessions from the bays, ports, inlets, havens, and waters of the ocean, and extending from the said point on the 56th degree of latitude north to a point where such line of demarcation should intersect the 141st degree of longitude west of the meridian of Greenwich? || If not, how should said line of demarcation be traced to conform to the provisions of said Treaty?

Article V.

The Arbitrators shall assemble for their first meeting at so soon as practicable after receiving their commissions, and shall themselves fix the times and places of all subsequent meetings. || The decision of the Tribunal shall be made so soon as possible after the conclusion of the arguments in the Case, and within three months thereafter, unless the President of the United States and Her Britannic Majesty shall by common accord extend the time therefor. The decision shall be made in writing and dated, and shall be signed by the Arbitrators assenting to the same. It shall be signed in duplicate, one copy whereof shall be given to the Agent of the United States of America for his Government, and the other to the Agent of Her Britannic Majesty for his Government.

Article VI.

When the High Contracting Parties shall have received the decision of the Arbitrators upon the questions submitted, as provided in the foregoing Articles, they will at once proceed with negotiations for the final adjustment and demarcation of the said boundary-line in conformity with such decision. || Should there be unfortunately a failure by the majority of the Arbitrators to agree upon any of the points submitted for their decision, it shall be their duty to so report in writing to the respective Governments through their respective Agents. Should there be an agreement by a majority upon a part of the questions submitted,

it shall be their duty to sign and report their decision upon the points of such agreement in the manner hereinbefore prescribed.

Article VII.

The present Treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate, and by Her Britannic Majesty, and the ratifications shall be exchanged in Washington or in London so soon as the same may be effected. || In faith whereof we, the respective Plenipotentiaries, have signed this Treaty, and have hereunto affixed our seals. || Done at Washington, in duplicate, this day of A.D. nineteen hundred.

Nr. 13218. **GROSSBRITANNIEN.** — Der Minister des Ausw. an den Botschafter in Washington. Ansicht der englischen Regierung über das vorige.

Foreign Office, February 5, 1902.

My Lord, His Majesty's Government have carefully considered, in communication with the Government of Canada, the draft Convention communicated to your Excellency, unofficially, by Mr. Hay in May last, which provides for the submission to arbitration of the Alaska boundary dispute. While most anxious to reach a solution of this long-pending question by means of arbitration, they find themselves compelled to dissent from the terms proposed in the following points: — || Article I. As regards the composition of the Tribunal, His Majesty's Government have always been averse from referri ngthis important subject to a Court so constituted as not to insure a final award. || Their objection in the present instance springs from the fact that an even number of Arbitrators drawn from either side does not afford security in the event of differences of opinion for a binding decision on the points submitted to the Tribunal. || Some doubt is felt, however, as to how far the United States' Government regard the constitution of the Tribunal by an equal number of Arbitrators appointed by each of the Parties as vital. Mr. Choate, in his note of the 9th August, 1899,*) stated that his Government regarded „the question of the organization of the Tribunal as subordinate to that concerning the subject-matter to be arbitrated, and the terms and conditions on which its action is limited." The advantage of having a Tribunal constituted of an odd number of Judges seems obvious, and His Majesty's Government would much prefer such an arrangement.

*) The terms of this note were similar to the communication made by Mr. Choate on the 2nd August and recorded in the despatch to Mr. Tower of that date (Nr. 13203).

Animated, however, by a strong desire to secure a reference to arbitration, they are willing to acquiesce in the proposed number of six, provided that at least one of the United States' Arbitrators shall not be a citizen of the United States, or a citizen or subject of any State directly or indirectly under the protection of the United States, and that at least one of the British Arbitrators shall not be a British subject, or a subject or citizen of any Power or State directly or indirectly under the protection of His Britannic Majesty. || The presence of two neutral Arbitrators would seem to increase the chances of receiving a majority Award; but this alternative would be adopted with reluctance, and the suggestion should only be put forward on behalf of His Majesty's Government in the event of the United States adhering fixedly to their proposal for a Tribunal of an equal number of Judges nominated by each side. || Article III. The final paragraph of this Article provides that „the Arbitrators shall also take into consideration any action of the several Governments or of their respective Representatives preliminary or subsequent to the conclusion of said Treaties, so for as the same tends to show the intendment of the Parties in respect to the limits of their several territorial jurisdictions under and by virtue of the provisions of the said Treaties." This provision appears to His Majesty's Government unnecessary, and they would prefer that it should be omitted, though the point is one which they are prepared to yield if the United States attach importance to it. || Article IV. Sub-section 1 of this Article, which prescribes the terms of the reference, runs as follows: — || „Referring to Article III of said Treaty of 1825 between Great Britain and Russia, was it intended thereby that the line of demarcation should be traced from the southernmost point of the island, now known as the Prince of Wales Island, along the parallel of 54° 40′ north latitude to the passage now commonly known and marked on the maps as the ‚Portland Channel', and thence along the middle of said channel northward until said northward line shall reach on the mainland of the continent the 56th degree of north latitude?" || His Majesty's Government take exception to the terms of this sub-section on the ground that the contention of the United States with respect to the course the line of demarcation should take between Prince of Wales Island and Portland Channel is put forward as the natural and primary interpretation of Article III of the Convention of 1825, whereas, so far from this being the case, the words „allong the parallel of 54° 40′" do not occur in the Treaty as indicating the direction of the line between the points named above. || They also feel bound to demur to the language of the second sub-section, which reads as follows: — || „In extending the line

of demarcation nothwards from said point on the parallel of the 56th degree of north latitude, following the crest of the mountains situated parallel to the coast until its intersection with the 141st degree of longitude west of Greenwich, subject to the condition that when such line should exceed the distance of 10 marine leagues from the ocean, then the boundary between the British and the Russian territory should be formed by a line parallel to the sinuosities of the coast and distant therefrom not more than 10 marine leagues, was it the intention and meaning of said Convention of 1825 that there should remain in the exclusive possession of Russia a continuous fringe or strip of coast on the mainland, 10 marine leagues in width, separating the British possessions from the bays, ports, inlets, havens, and waters of the ocean, and extending from the said point on the 56th degree of latitude north to a point where such line of demarcation should intersect the 141st degree of longitude west of the meridian of Greenwich? || „If not, how should said line of demarcation be traced to conform to the provisions of said Treaty?“ || It is assumed in the recital that the line of demarcation might at places exceed the distance of 10 marine leagues from the ocean, and they regard the placing of the extreme contention of the United States with respect to the location of the line in the forefront of the reference as open to the same objection which they take in regard to the first sub-section. || In the opinion of His Majesty's Government, the terms of reference should not give prominence to one contention over the other, but rather should state in clear and unambiguous terms the questions whose determination can alone decide the issue.

Though not wedded to any particular form of words, they submit that these questions might preferably be formulated as follows: — || Referring to Articles III and IV of the Convention of 1825 —“ || 1. What is intended as the point of commencement? || 2. What channel is Portland Channel? || 3. What course should the line take from the point of commencement to the entrance to Portland Channel? || 4. To what point on the 56th parallel is the line to be drawn from the head of Portland Channel, and what course should it follow between these points? || 5. What are the mountains referred to as situated parallel to the coast, which mountains, when within 10 marine leagues from the coast, are declared to form the eastern boundary? || 6. In the event of the summit of such mountains proving to be in places more than 10 marine leagues from the coast, should the width of the *lisière* which was to belong to Russia be measured (1) from the coast of the ocean strictly so-called, along a line perpendicular thereto, or (2) was it the intention and meaning of

the said Convention that where the coast is indented by deep inlets, forming part of the territorial waters of Russia, the width of the *lisière* was to be measured (*a*) from the line of the general direction of the coast, or (*b*) from the line separating the waters of the ocean from the territorial waters of Russia, or (*c*) from the heads of the aforesaid inlets? || These questions appear to His Majesty's Government eminently fair. They are framed with the object of placing the case before the Arbitrators in such a manner as to secure a decision upon all the points at issue without bias or favour to one side or the other. || Article VI provides that „when the High Contracting Parties shall have received the decision of the Arbitrators upon the question submitted, as provided in the foregoing Articles, they will at once proceed with negotiations for the final adjustment and demarcation of the said boundary-line, in conformity with such decision.“ || His Majesty's Government doubt whether any negotiations between the respective Governments should be considered necessary after the decision of the Arbitrators has been received by them. They are disposed to regard this proviso as opening the door to further difficulties and delays, and would suggest that Article VI should rather be remodelled as follows: — || „When the High Contracting Parties shall have received the decision of the Arbitrators upon the questions submitted, as provided in the foregoing Articles, which decision shall be final and binding upon all Parties, they will at once appoint, each on its own behalf, one or more scientific experts, who shall with all convenient speed proceed together to lay down the boundary-line, in conformity with such decision.“ || His Majesty's Government, recalling the disposition of United States' Representatives, on the International Joint High Commission of 1898 — 99, to limit to certain portions of the line the scope of the arbitration then proposed, consider that the draft Treaty under consideration should contain a stipulation in precise and positive terms, to the effect that the reference is intended to include, and does include, the definition of the entire boundary at every point between the southernmost point of Prince of Wales Island and Mount St. Elias. || His Majesty's Government do not overlook the possibility of an Award by such a Tribunal as is contemplated by the present negotiations being absolutely against Canada or absolutely against the United States, and that, in the latter event, certain portions of the disputed territory which have been settled under the authority of the United States' Government might turn out to be British territory. They realize that the ownership of these localities is the main contention at the present time, and they are willing to agree to any arrangement which shall equitably provide for the contingency above in-

dicated. || The precedent of Treaty between Great Britain and Venezuela, in Article IV of which provision was made for the case of previous occupation and for the recognition of other rights and claims, appears to them exactly in point, and its application to this almost identical case singularly appropriate. They recognize, however, that owing to the peculiar features of the American Constitution concerning the Treaty-making power, a settlement on the lines of that precedent might prove in the end impracticable of attainment. They therefore refrain from suggesting any express stipulations on this head, preferring to leave your Excellency full latitude to provide by some means that if either of the Contracting Parties should be found to be in possession of territory belonging to the other, the Arbitrators should be empowered to deal with such a condition of things as might seem to them best fitted to meet the equities of the case. || I should wish your Excellency to communicate to Mr. Hay in such form as you may consider most suitable the views of His Majesty's Government as above indicated, and to discuss with him the points in which the proposals of His Majesty's Government diverge from those of the United States.

Lansdowne.

Nr. 13219. **GROSSBRITANNIEN.** — Der Minister des Ausw. an den Botschafter in Washington. Stand der Verhandlung. Antwort auf Nr. 13216.

Foreign Office, August 18, 1902.

Sir, || The communication relative to the Alaska boundary, addressed to me by the American Ambassador on the 22nd January, 1900, received careful attention and a reply had been prepared, when Lord Pauncefote reported that Mr. Hay had handed to him the draft of a Treaty for determining the question by arbitration. || This important proposal appeared to denote the commencement of a new phase in the negotiations, and it seemed to His Majesty's Government that in the end no useful purpose would be served by presenting, at such a moment, a rejoinder to the Ambassador's argument. || The Government of Canada were accordingly consulted with regard to the draft Treaty, and, in March last, Lord Pauncefote, in accordance with his instructions, presented to Mr. Hay a Memorandum stating that His Majesty's Government, while most anxious to reach a solution by means of arbitration, felt bound to indicate some points on which they dissented from the terms of the draft. || No definite reply was returned to this communication, but His Majesty's

Government were given to understand that the President was not disposed to continue negotiations on the basis of Mr. Hay's draft. It was, therefore, considered desirable to take advantage of the presence in this country of the Governor-General of Canada and of Sir Wilfrid Laurier and some of his colleagues to discuss the present position of the question. || I took an opportunity of mentioning this to the American Ambassador, and, in the course of our conversation, he reminded me of his note of January 1900, and remarked that, so far as he was aware, no reply had ever been made to it. || As the absence of a rejoinder might be considered to imply inability to meet the arguments advanced, it is desirable that I should place on record the following observations: — || His Majesty's Government learned with satisfaction from his Excellency's note that the Government of the United States were not averse to a reference of the main difference between Great Britain and the United States to the adjudication of an independent Tribunal, but rather contemplated the probability of such a mode of settlement of this long-pending controversy. They agree that what the Ambassador describes as the paramount issue — namely, whether the line should be drawn across inlets or round their heads — can best be decided by this means, but they are unable to share the view that the particular course which the line is to take when the above question has been settled can be satisfactorily determined by a joint survey. A joint survey has already been made, and if the differences between the two Governments could not be settled by the aid of the very complete maps thereby afforded, it is scarcely to be anticipated that a fresh survey would achieve a more definite result. It seems rather that the „minor or secondary" though „highly important" questions, namely, the exact location of the boundary-line and its precise distance from the coast, are analogous to those involved in the main issue, and can only be determined by a similar process. For instance, assuming that the question of inlets had been decided, and a joint survey dispatched to lay down the boundary in conformity with the provisions of the Treaty of 1825, which prescribes that the line shall follow the summit of the mountains situated parallel to the coast, the British surveyors would naturally interpret this to mean the summit of the mountains nearest the coast, while it is possible that the United States' surveyors might contend for the highest range. How could this point be decided? Yet upon the decision would depend the possession of part of the town of Skagway, even supposing the ownership of the heads of inlets was decided adversely to the British contention. Again, if there should be a break in the mountain range which it is decided to follow, should the line

across the break be drawn parallel to the coast-line between the same degrees of latitude as the terminals of the break or parallel to the general trend of the coast-line. Controversies over these points, and others of a similar character, the least of which might turn out to be of farreaching importance, would, it is to be feared, arise, and it is scarcely to be expected that surveyors in the field could reach an agreement upon them, nor, indeed, would it be expedient to allow them such latitude. With regard to the question relative to the heads of inlets, Mr. Choate observed that of the two absolutely distinct interpretations which have been presented by Great Britain and the United States, „one or the other is right, and can and should be ascertained and determined so to be to the exclusion of the other.“ The same argument is equally applicable to many occasions of difference which surveyors sent to lay down the boundary would encounter. For these reasons His Majesty's Government are of opinion that all questions which depend for their solution upon the interpretation of the Treaty should be simultaneously referred to arbitration, to determine the true meaning of that instrument, and this, not merely with regard to the Lynn Canal or any other particular point, but in respect of the whole line, throughout its entire length, from the southernmost point of Prince of Wales Island to Mount St. Elias. What is desired by both Governments is the termination of the dispute, and this appears to be the only way in which it can be satisfactorily and permanently settled.

The objection recorded by Mr. Choate to the application of the Venezuela Treaty to the adjustment of the present controversy seems to be directed against the provision for compromise which that arrangement affords, and the latitude given to the Tribunal constituted under it; but, for the reasons which have been already adduced in Lord Salisbury's despatch of the 14th October, 1899, His Majesty's Government still consider that the circumstances of the Alaska boundary controversy are such as to warrant an unqualified submission to an impartical Tribunal, and it was solely with the desire to meet the objections of the United States' Representatives that the British members of the Joint High Commission of 1898—99 proposed to allow that continued adverse possession should be recognized, and full regard had to the equities of the case. With this object in view, it appeared to them that the Venezuela Treaty offered a convenient and suitable precedent. Accordingly, they proposed arbitration on those lines; but His Majesty's Government are not wedded to a particular formula, and are prepared to consider any reasonable modifications to the rules suggested (not inconsistent with finality of decision) which

the United States may consider the special circumstances of the case to call for. Towards such questions as the composition of the Tribunal and its organization, as well as the terms of reference, His Majesty's Government have, with the qualification above mentioned, adopted no fixed attitude, nor have they declined to reconsider the original proposal of the British side of the Joint High Commission, which, at the same time, they conceive to be eminently fair to the United States. || But while they are thus prepared to acquiesce in every reasonable concession, it would be difficult to include in that category without some reciprocal concession or compensation the stipulation contained in the last paragraph of the Ambassador's note, to the effect that all settlements made by American citizens in the disputed territory under the authority of their Government up to a very recent period shall remain the property of the United States. The main question in this controversy is that which involves the ownership of the heads of inlets in general, and of the Lynn Canal in particular. That canal derives its present importance from the fact of its forming the natural approach to the gold-bearing regions of the Canadian interior, which are accessible by sea in those latitudes through the ports of Dyea, Skagway, and Pyramid Harbour. The valleys in the rear of these ports are the only known avenues of approach to the interior which come down to the Lynn Canal, and are consequently the measure of its value. Their ownership must therefore constitute, in the view of the United States' Government, the chief object of the arbitration. There cannot be a doubt that the proposal of the United States' Plenipotentiaries at the meeting of the Joint High Commission, renewed by Mr. Choate, to except from the „perils of any arbitration all towns or settlements on tide water settled under the authority of the United States and under the jurisdiction of the United States at the date of this Treaty," was put forward with the object of securing Dyea, Skagway, and Pyramid Harbour, for they are the only settlements on tide-water that can possibly be embraced by the definition. The suggested reservation, therefore, seems equivalent to a declaration on the part of the United States' Government that they will accept arbitration only on condition that the principal objects of the reference shall be theirs in any event, and that Great Britain will so covenant before the parties go into Court. || The proposal seems based on the assumption that the settlements at the head of the Lynn Canal were established under the authority of the United States prior to the announcement of any claim to the territory in question on the part of Great Britain. So confidently is the soundness of this contention assumed, that several times in his Excellency's note it is em-

phasized by the express inclusion of Canada, as distinct from the mother-country, in the charge of having said or done nothing prior to 1898 to indicate her claim. || I will not recapitulate the arguments to the contrary which have been previously advanced. There is one point, however, with which I must deal in some detail. Mr. Choate suggested that too much weight had been given to Mr. Dawson's letter of the 7th February, 1888, laid before the Fisheries Commission of that year, and argues that the meetings between that gentleman and Professor Dall were wholly informal; that neither possessed any delegated authority whatever, and that their opinions could not be held to commit anybody but themselves. While it is true that the conferences between Messrs. Dawson and Dall were informal, these gentlemen were experts specially selected by their respective Governments, and their views must therefore be held to be those of the Governments which they represented. That this was so understood at the time is evident from the map (No. 16) which accompanies the Reports of both experts submitted to Congress by President Cleveland o the 2nd March, 1889. That map is a reproduction of one prepared in Ottawa for the purposes of the Conference of 1887—88. As originally published it showed no boundary-lines, but upon a few copies lines were drawn in ink by Dr. Dawson, showing (1) a boundary-line as given on the United States' Coast Survey Map of Alaska, 1884; (2) a boundary-line approximately following the summits of mountains parallel to the coast, in presumed conformity with the text of the Convention of 1825, as understood by the Canadian Government; (3) one of the conventional lines discussed during the conferences, and referred to in the printed correspondence between Dr. Dawson and Sir C. Tupper, which the latter laid before the Commission. It was not possible to draw the second conventional line, as this depended upon geographical details not determined at the time. A note upon the face of the map states that the line from the United States' Coast Survey Map „disregards both the Treaty reference to mountains and that to the ocean coast.“ A copy of the lithographed map, with the lines and notes above referred to, was supplied to Professor Dall, and is reproduced in *fac-simile* as Map No. 16 above referred to. || That the line following the mountains parallel to the coast, crossing all the larger inlets, must at the time have been accepted as embodying the Canadian view of the meaning of the Treaty of 1825 is shown by the addition by the United States' authorities to the *fac-simile* (at the top and outside the border of the map) of the words „Dawson's Canadian Map, 1887, showing conventional lines *proposed by Canada*.“ This map, as originally prepared, and also with

Dr. Dawson's additions, was published by the United States' Government and submitted to Congress.

The statement by Mr. Choate that the meetings between Messrs. Dawson and Dall were not held during the sittings of the Joint High Commission of 1888 seems to have been made under a misapprehension. An examination of the Protocols of the Commission discloses that on the 9th January, 1888, Mr. Chamberlain suggested that Dr. Dawson and Professor Dall should meet and endeavour to agree upon some definite suggestions for the consideration of the Conference. On the 23rd January Mr. Bayard concurred in this suggestion, and on the 30th it was arranged that Dr. Dawson should be summoned by telegraph. On the 2nd February Mr. Camberlain announced that Dr. Dawson had arrived at Washington, and Mr. Bayard informed the Conference that the necessary arrangements would be made at once for him to meet Professor Dall. On the 7th February Mr. Chamberlain reported to the Commission that Dr. Dawson and Professor Dall had not made any progress on the question of the Alaska boundary. The Commission sat on the 2nd, 3rd, 6th, and 7th February. The conferences between Messrs. Dall and Dawson were therefore held during the sittings of the Joint High Commission. The inference that Sir C. Tupper dissociated himself from Dr. Dawson, because in the former's note of transmission he referred to the latter's views as „his" — *i. e.*, Dr. Dawson's — „own," appears to be based upon a misconception of Sir C. Tupper's meaning. Bearing in mind that on the same day on which Dr. Dawson's letter was written, Mr. Chamberlain reported to the Conference that the two experts had failed to come to any agreement, it is not surprising that Sir C. Tupper should allude to Dr. Dawson's views as „his own," meaning thereby his own, not as distinct from those of the Government which he was there to represent, but from those of his fellow-expert with whom he could not reach any agreement. They were his individual views in the sense that they were not shared by Professor Dall. These views were known to the Government of which Sir C. Tupper was a member before Dr. Dawson was summoned to Washington. If the Canadian Government were not in accord with them it is scarcely likely that he would have been selected to confer with the American expert, nor is it probable that Sir C. Tupper would have placed them before Mr. Bayard without, at any rate, some distinct and explicit disavowal of responsibility for them. Moreover, as His Majesty's Government can confidently state, it is not the case, as suggested, that Sir C. Tupper was in no mood to adopt General Cameron's opinions on the subject of the Alaska boundary, for it was at the instance of Sir

C. Tupper, at the time High Commissioner for Canada, that General Cameron what selected by the Secretary of State for the Colonies to investigate and report upon this question of the Alaska boundary. Sir C. Tupper, in the year 1888, attached great weight to General Cameron's views on the subject of the Alaska boundary, and, in a letter addressed to the Secretary of State for the Colonies on the 1st August, 1888, he entirely concurred in protesting against any attempt on the part of the United States to disregard Canada's claim to the heads of inlets. He fortified the protest of the Canadian Government by a Memorandum from General Cameron's pen, of which a copy is herewith inclosed. || Attention must also be given to the Message of the President of the United States, transmitting these Reports and Maps of Dr. Dawson to Congress, and to the Memorandum of his Secretary of State, which accompanied them, in which Mr. Bayard expresses the opinion that these documents are „of value as bearing upon a subject of great international importance, and should be put in shape for public information.“ || It appears to His Majesty's Government that the President thus publicly acquainted the people of the United States of Canada's claim to the heads of the inlets more than eight years before anything in the nature of settlement was begun at the head of the Lynn Canal, for beyond a few trifling acts of occupation on the part of private individuals, at periods separated by considerable intervals of time, no settlement was attempted in those localities until the mining rush to the Klondike in the spring of 1897. || It is desirable, before concluding this despatch, to allude to the statement in Mr. Choate's communication that the United States' Government are not aware that at the Conference held in Washington in February 1892 the Canadian Ministers proposed, as recorded in Lord Salisbury's despatch of the 14th October, 1899, „that a reference to some impartial authority be made by Great Britain and the United States for the purpose of ascertaining and deciding finally the true boundary, regard being had to the Treaties relating to the subject, and likewise to the case which may be presented by either Government, and to the testimony which may be adduced as to the physical features and conditions ot that country.“ || The accuracy of this record is confirmed by the Minutes of the proceedings of this Conference, signed by the Canadian Delegates and concurred in by Her Majesty's Minister at Washington. These Minutes, which were published by order of the Canadian Parliament in the Sessions of 1892 and 1893, also record that on the 12th February, 1892, „the various contentions relating to the boundary were then explained,“ thereby indicating that the existence of a divergence between the views of the re-

spective Governments as to the true meaning of the Treaty was recognized at that date, and that each Government was acquainted with the claim of the other. || The main facts in support of the British claim have already been fully set forth in previous communications, and it seems unnecessary, as I have before said, to repeat them; but His Majesty's Government desire to place on record the foregoing supplementary observations in further elucidation of some points of their contention, and in disproof of the suggestion that neither the Imperial nor the Canadian Government adopted or put forward the British claim to the heads of the inlets „until after the Protocol of the 30th May, 1898.“ || You are authorized to read this despatch to Mr. Hay, and to hand him a copy of it should he so desire. Lansdowne.

Anlage.

Memorandum.

By way of Lynn Canal, of which the entrance is about 135° west longitude, 58° 20′ north latitude, is at present the only practical route to gold mines being worked on tributaries of the Pelly River, some in British and some in United States' territory. || The northern extremity of Lynn Canal forks — the western and eastern branches being formed repectively by the inflow of the Chilkat and Chilkoot Rivers. || The route hitherto followed by miners entering the country has been by the valley of the Chilkoot — across the height of lands called Perrier or Payer portage. || The ascent to the portage is extremely tedious, but once overcome, there is gained navigable water connected with the Pelly River and the Yukon River. Lieutenant Schwatka noted Perrier portage as the point at which the boundary between United States' and British territory passed, the United States' territory lying seaward, the British territory inland. Lieutenant Schwatka had been employed to make a reconnaissance in Alaska, but finding that country most accessible through Lynn Canal, continued his exploration down the Pelly River in British territory until it passed the meridian of 141° west longitude into United States' territory. Lieutenant Schwatka's Report was published as a Congressional Paper. || It is not known that there has been any other official claim to Perrier Pass as the point at which the international boundary runs. || From the ocean entrance to Lynn Canal, the head of boat navigation up to the Chilkoot is about 80 miles; from this point to Perrier Pass is somewhat in excess of 30 miles, or 10 marine leagues. || Lynn Canal has water-ways of less than 6 miles in breadth at no great

distance from its entrance. || It is contended on the Canadian side that the 10 marine leagues given as the maximum breadth of the United States' coast territory in the second sub-section of Article IV, Russo-British Convention of 1825, may not be measured from any point within an inlet not exceeding 6 miles in breadth, and that, consequently, it is not, under any circumstances, possible that the international boundary can be anywhere so far inland as Perrier Pass. || To avoid the inconvenience of the ascent to the Perrier portage a diverging route, called White Pass, a little to the eastward of Perrier Pass route, has recently been explored. || Speculators interested in the gold mines in the interior, and in transit of miners and their goods have for some time had their attention turned to the desirability of opening up the White Pass route. || The greater part, if not all, of this divergent line is, it is contended, within British territory; and as affecting the principles which are ultimately to determine the whole of the British Alaskan boundary, as well as seriously affecting a British route which may hereafter, with advantage of the greatest importance, be opened through the Taku River Valley, it is submitted that the United States' contention should be emphatically protested against.

Nr. 13220. **GROSSBRITANNIEN.** — Der Botschafter in Washington an den Minister des Ausw. Die Vereinigten Staaten machen einen Schiedsgerichtsvorschlag.

Washington, October 17, 1902. (October 17.)

(Telegraphic.) || In a short conversation of unofficial character which I had to-day with the Secretary of State, he alluded to the question of the Alaska boundary. || He renewed the proposal made to Lord Pauncefote last March, viz., that a Tribunal should be appointed, the members of which should merely place their reasoned opinions on record. || He still held the opinion he had expressed to Lord Pauncefote that a settlement would be facilitated by the appointment of such a Tribunal.

Nr. 13221. **GROSSBRITANNIEN.** — Der Minister des Ausw. an den Botschafter in Washington. Nimmt den Vorschlag an.

Foreign Office, December 6, 1902.

(Telegraphic.) || Alaska Boundary. || With reference to your Excellency's telegram of the 17th October, His Majesty's Government are ready to

give their favourable consideration to the proposal again put forward by Mr. Hay for the appointment of a Tribunal of Arbitration, of which the members should merely record their reasoned opinions. This would however, be on the understanding that the terms of reference are drawn up, like those suggested in my despatch of the 5th February last, in such a way that all aspects of the question are included.

Nr. 13222. **GROSSBRITANNIEN und VEREINIGTE STAATEN.** — Vertrag über ein Schiedsgericht zur Regelung der Alaskafrage.

Convention between the United Kingdom and the United States of America for the Adjustment of the Boundary between the Dominion of Canada and the Territory of Alaska.

His Majesty the King of the United Kingdom of Great Britain and Ireland and the British Dominions beyond the Seas, Emperor of India, and the United States of America, equally desirous for the friendly and final adjustment of the differences which exist between them in respect to the true meaning and application of certain clauses of the Convention between Great Britain and Russia, signed under date of the 28th (16th) February, A.D. 1825, which clauses relate to the delimitation of the boundary-line between the territory of Alaska, now a possession of the United States, and the British possessions in North America, have resolved to provide for the submission of the questions as hereinafter stated to a Tribunal, and to that end have appointed their respective Plenipotentiaries as follows: || His Britannic Majesty, the Right Honourable Sir Michael H. Herbert, K. C. M. G., C. B., His Britannic Majesty's Ambassador Extraordinary and Plenipotentiary; and || The Presidentof the United States of America, John Hay, Secretary of State of the United States; || Who, after an exchange of their full powers, which were found to be in good and due form, have agreed upon the following Articles: —

Article I.

A Tribunal shall be immediately appointed to consider and decide the questions set forth in Article IV of this Convention. The Tribunal shall consist of six impartial jurists of repute, who shall consider judicially the questions submitted to them, each of whom shall first subscribe an oath that he will impartially consider the arguments and evidence presented to the Tribunal; and will decide thereupon according to his true judgment. Three members of the Tribunal shall be appointed

by His Britannic Majesty and three by the President of the United States. All questions considered by the Tribunal, including the final Award, shall be decided by a majority of all the members thereof. || In case of the refusal to act, or of the death, incapacity, or abstention from service of any of the persons so appointed, another impartial jurist of repute shall be forthwith appointed in his place by the same authority which appointed his predecessor. || The Tribunal may appoint a Secretary and a Bailiff to perform such duties as they may prescribe, and may employ scientific experts, if found to be necessary, and may fix a reasonable compensation for such officers. The Tribunal shall keep an accurate record of all its proceedings. || Each of the High Contracting Parties shall make compensation for the services of the members of the Tribunal of its own appointment, and of any Agent, Counsel, or other person employed in its behalf, and shall pay all costs incurred in the preparation of its Case. All expenses reasonably incurred by the Tribunal in the performance of its duties shall be paid by the respective Governments in equal moieties. || The Tribunal may, subject to the provisions of this Convention, establish all proper rules for the regulation of its proceedings.

Article II.

Each of the High Contracting Parties shall also name one person to attend the Tribunal as its Agent. || The written or printed Case of each of the two Parties, accompanied by the documents, the official correspondence, and all other evidence in writing or print on which each Party relies, shall be delivered in duplicate to each member of the Tribunal and to the Agent of the other Party as soon as may be after the organization of Tribunal, but within a period not exceeding two months from the date of the exchange of ratifications of this Convention. || Within two months after the delivery on both sides of the written or printed Case, either Party may, in like manner, deliver in duplicate to each member of the Tribunal, and to the Agent of the other Party, a Counter-Case, and additional documents, correspondence, and evidence in reply to the Case, documents, correspondence, and evidence so presented by the other Party. The Tribunal may, however, extend this last-mentioned period when, in their judgment, it becomes necessary by reason of special difficulties which may arise in the procuring of such additional papers and evidence. || If, in the case submitted to the Tribunal, either Party shall have specified or referred to any report or document in its own exclusive possession without annexing a copy, such Party shall be bound, if the other Party shall demand it, within

thirty days after the delivery of the Case, to furnish to the Party applying for it a duly certified copy thereof; and either Party may call upon the other, through the Tribunal, to produce the original or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the Tribunal may require; and the original or copy so requested shall be delivered as soon as may be, and within a period not exceeding forty days after receipt of notice. || Each Party may present to the Tribunal all pertinent evidence, documentary, historical, geographical, or topographical, including maps and charts, in its possession or control, and applicable to the rightful decision of the questions submitted; and if it appears to the Tribunal that there is evidence pertinent to the Case in the possession of either Party, and which has not been produced, the Tribunal may, in its discretion, order the production of the same by the Party having control there of. || It shall be the duty of each party, through its Agent or Counsel, within two months from the expiration of the time limited for the delivery of the Counter-Case on both sides, to deliver in duplicate to each member of the said Tribunal and to the Agent of the other Party a written or printed Argument showing the points and referring to the evidence upon which his Government relies, and either Party may also support the same before the Tribunal by oral argument of Counsel. The Tribunal may, if they shall deem further elucidation with regard to any point necessary, require from either party a written, printed, or oval statement or argument upon the point; but in such case the other Party shall have the right to reply thereto.

Article III.

It is agreed by the High Contracting Parties that the Tribunal shall consider in the settlement of the questions submitted to its decision the Treaties respectively concluded between His Britannic Majesty and the Emperor of All the Russias, under date of the 28th (16th) February, A.D 1825, and between the Unitcd States of America and the Emperor of All the Russias concluded under date of the 18th (30th) March, A.D. 1867; and particularly the Articles III, IV, and V of the first-mentioned Treaty, which in the original text are, word for word, as follows: —

„III. La ligne de démarcation entre les possessions des Hautes Parties Contractantes sur la côte du Continent et les Iles de l'Amérique Nord-Ouest sera tracée ainsi qu'il suit: — || „A partir du point le plus méridional de l'île dite *Prince of Wales*, lequel point se trouve sous le parallèle du 54° 40′ de latitude nord, et entre le 131° et le 133° degré de longitude ouest (méridien de Greenwich), la dite ligne remontera au nord le long

de la passe dite *Portland Channel*, jusqu'au point de la terre ferme où elle atteint le 56ᵉ degré de latitude nord; de ce dernier point la ligne de démarcation suivra la crête des montagnes situées parallèlement à la côte, jusqu'au point d'intersection du 141ᵉ degré de longitude ouest (même méridien); et, finalement, du dit point d'intersection, la même ligne méridienne du 141ᵉ degré formera, dans son prolongement jusqu'à la Mer Glaciale, la limite entre les possessions Russes et Britanniques sur le Continent de l'Amérique Nord-Ouest. || „IV. Il est entendu, par rapport à la ligne de démarcation dêterminée dans l'Article précédent: || „1. Que l'île dite *Prince of Wales* appartiendra tout entière à la Russie; || „2. Que partout où la crête des montagnes qui s'étendent dans une direction parallèle à la côte depuis le 56ᵉ degré de latitude nord au point d'intersection du 141ᵉ degré de longitude ouest se trouverait à la distance de plus de 10 lieues marines de l'océan, la limite entre les possessions Britanniques et la lisière de côte mentionnée ci-dessus comme devant appartenir à la Russie, sera formée par une ligne parallèle aux sinuosités de la côte, et qui ne pourra jamais en être éloignée que de 10 lieues marines. || V. Il est convenu, en outre, que nul établissement ne sera formé par l'une des deux Parties dans les limites que les deux Articles précédens assignent aux possessions de l'autre. En conséquence, les sujets Britanniques ne formeront aucun établissement, soit sur la côte, soit sur la lisière de terre ferme comprise dans les limites des possessions Russes, telles qu'elles sont désignées dans les deux Articles précédens; et, de même, nul établissement ne sera formé par des sujets Russes au delà des dites limites."

The Tribunal shall also take into consideration any action of the several Governments, or of their respective Representatives, preliminary or subsequent to the conclusion of said Treaties, so far as the same tends to show the original and effective understanding of the Parties in respect to the limits of their several territorial jurisdictions under and by virtue of the provisions of said Treaties.

Article IV.

Referring to Articles III, IV, and V, of the said Treaty of 1825, the said Tribunal shall answer and decide the following questions: — || 1. What is intended as the point of commencement of the line? || 2. What channel is the Portland Channel? || 3. What course should the line take from the point of commencement to the entrance to Portland Channel? || 4. To what point on the 56th parallel is the line to be drawn from the head of the Portland Channel, and what course should it follow between these points? || 5. In extending the line of demarcation northward from said point on the parallel of the 56th degree of north latitude, following the

crest of the mountains situated parallel to the coast until its intersection with the 141st degree of longitude west of Greenwich, subject to the condition that if such line should anywhere exceed the distance of 10 marine leagues from the ocean, then the boundary between the British and the Russian territory should be formed by a line parallel to the sinuosities of the coast and distant therefrom not more than 10 marine leagues, was it the intention and meaning of said Convention of 1825 that there should remain in the exclusive possession of Russia a continuous fringe, or strip, of coast on the mainland, not exceeding 10 marine leagues in width, separating the British possessions from the bays, ports, inlets, havens, and waters of the ocean, and extending from the said point on the 56th degree of latitude north to a point where such line of demarcation should intersect the 141st degree of longitude west of the meridian of Greenwich? || 6. If the foregoing question should be answered in the negative, and in the event of the summit of such mountains proving to be in places more than 10 marine leagues from the coast, should the width of the *lisière* which was to belong to Russia be measured (1) from the mainland coast of the ocean, strictly so-called, along a line perpendicular thereto, or (2) was it the intention and meaning of the said Convention that where the mainland coast is indented by deep inlets forming part of the territorial waters of Russia, the width of the *lisière* was to be measured (*a*) from the line of the general direction of the mainland coast, or (*b*) from the line separating the waters of the ocean from the territorial waters of Russia, or (*c*) from the heads of the aforesaid inlets? || 7. What, if any exist, are the mountains referred to as situated parallel to the coast, which mountains, when within 10 marine leagues from the coast, are declared to form the eastern boundary?

Article V.

The Tribunal shall assemble for their first meeting at London so soon as practicable after receiving their commissions, and shall themselves fix the times and places of all subsequent meetings. || The decision of the Tribunal shall be made so soon as possible after the conclusion of the arguments in the Case, and within three months thereafter, unless His Britannic Majesty and the President of the United States shall by common accord extend the time therefor. The decision shall be made in writing and dated, and shall be signed by the members of the Tribunal assenting to the same. It shall be signed in duplicate, one copy whereof shall be given to the Agent of His Britannic Majesty for his Government, and the other to the Agent of the United States of America for his Government.

Article VI.

When the High Contracting Parties shall have received the decision of the Tribunal upon the questions submitted as provided in the foregoing Articles, which decision shall be final and binding upon all Parties, they will at once appoint, each on its own behalf, one or more scientific experts, who shall, with all convenient speed, proceed together to lay down the boundary-line in conformity with such decision. || Should there be, unfortunately, a failure by a majority of the Tribunal to agree upon any of the points submitted for their decision, it shall be their duty to so report in writing to the respective Governments through their respective Agents. Should there be an agreement by a majority upon a part of the questions submitted, it shall be their duty to sign and report their decision upon the points of such agreement in the manner hereinbefore prescribed.

Article VII.

The present Convention shall be ratified by His Britannic Majesty and by the President of the United States, by and with the advice and consent of the Senate, and the ratifications, shall be exchanged in London or in Washington so soon as the same may be effected. || In faith wherof we, the respective Plenipotentiaries, have signed this Convention, and have hereunto affixed our seals.

Done at Washington, in duplicate, this 24th day of January, A.D. 1903

Michael H. Herbert.
John Hay.

Nr. 13223. **GROSSBRITANNIEN.** — Der Generalgouverneur von Kanada an das Kolonialamt. Wünsche Kanadas für die Ernennung des Schiedsrichters.

Ottawa, March 6, 1903.

(Telegraphic.) || My Ministers regard the situation with much anxiety. They desire to emphasize the fact that their assent to a Treaty which provided for the creation of a Tribunal so composed as not to insure finality was obtained on the stipulation in the Treaty that the members of the Court would be impartial jurists of repute. . . . Their doubts as to the effectiveness of the contemplated arrangement as a means of settlement were in some degree modified by the assurance that the members of the Tribunal would approach the subject with unbiassed minds, and that a judical interpretation of the Treaty of 1825 would be obtained. The appointment to the Tribunal by the United States' Government of

gentlemen who are not Judges, and whose known views leave no room for expectation of a judical consideration of the question, changes the whole situation. If the whole question were now open to be dealt with entirely from the point of view of Canadian interests, my Ministers would hesitate to advise any further participation in proceedings. . . . || My Ministers have observed from the public press, and have also been officially informed that while the matter is still under their consideration, the Treaty has been confirmed by His Majesty's Government, and an exchange of ratifications has already taken place at Washington. It is presumed that this fact precludes further discussion, and my Ministers will, therefore, proceed to do whatever is necessary on their part to make good the engagements of His Majesty's Government, but they must reserve the right to submit to the Canadian Parliament the whole correspondence, or such statement of the case as will fully explain the whole matter, and especially the manner in which the assent of Canada was obtained. || My Ministers do not agree with the suggestion that the altered circumstances justify a departure on the British side from the disposition previously manifested respecting the composition of the Tribunal. If members of the Tribunal are to be appointed by His Majesty's Government, my Ministers are of opinion that only Judges of the higher Courts, who in the best sense of the words would be impartial jurists of repute, should be chosen.

Nr. 13224. **GROSSBRITANNIEN.** — Derselbe an Denselben. Dasselbe.

Ottawa, March 7, 1903.

(Telegraphic.) || In view of the short time given for preparation of the case, my Ministers desire to proceed immediately, and therefore suggest an early settlement of preliminaries. || As to the composition of Tribunal, my Ministers suggest Chief Justice of England and two Canadian Judges, names to be telegraphed hereafter.

Nr. 13225. **GROSSBRITANNIEN.** — Das Kolonialamt an das Ausw. Amt. Zusammensetzung des Schiedsgerichts.

Downing Street, March 9, 1903. (March 9.)

(Extract.) || With reference to the letter from this Department of the 7th instant respecting the composition of the Alaska Boundary Commission, I am directed to transmit to you, to be laid before the Marquess of Lansdowne, copy of a telegram from the Governor-General of Canada, suggesting the

appointment of the Lord Chief Justice of England and two Canadian Judges as the British members of the Tribunal. || It is presumed that Lord Lansdowne will concur in this suggestion, and that he will take the necessary steps to ascertain whether Lord Alverstone will be willing to act as the senior British member of the Tribunal.

Nr. 13226. **GROSSBRITANNIEN.** — Das Ausw. Amt an das Kolonialamt. Antwort auf das vorige.

Foreign Office, March 11, 1903.

Sir, || With reference to your letter of the 9th instant, I am directed by the Marquess of Lansdowne to state, for the information of the Secretary of State for the Colonies, that the Lord Chief Justice has consented to serve as one of the British members of the Alaska Boundary Tribunal. I am therefore to suggest that a telegram should at once be addressed to the Governor-General of Canada, informing him that His Majesty's Government agree to the proposal of the Dominion Government that the Lord Chief Justice and two Canadian Judges should be appointed. || I am further to state that Lord Lansdowne has no objection to the Canadian Government retaining the control and preparation of the British Case and its defence and prosecution before the Tribunal, and they might be informed that every facility will be given to the gentlemen nominated by them as Counsel and Agent. || Lord Lansdowne thinks that it will no doubt be desirable to obtain the assistance and co-operation of the Law Officers of the Crown. He presumes the Secretary of State for the Colonies will deal with this point. F. H. Villiers.

Nr. 13227. **GROSSBRITANNIEN.** — Der Generalgouverneur von Kanada an den Kolonialminister. Ernennungen der Schiedsrichter.

Government House, Ottawa, March 17, 1903.

Sir, || In confirmation of my telegrams, I have the honour to inform you that my Government has appointed his Honour Sir Louis Amable Jetté, K.C.M.G., Lieutenant-Governor of the Province of Quebec, and Mr. Justice Armour, Puisne Judge of the Supreme Court of Canada, as the Canadian members of the British Tribunal under the recently ratified Alaska Boundary Treaty. || My Government has also appointed the Honourable Clifford Sifton, Minister of the Interior, as Agent; and Mr. Edward Blake, M.P., of London, and Mr. Christopher Robinson, K.C., of Toronto, as Counsel. ||

Mr. Joseph Pope, C.M.G., Under-Secretary of State, Mr. W. F. King, Chief Astronomer, and Mr. Wade, K.C., will be attached to the Commission, and, together with Mr. Sifton, will sail for England by the steam-ship „Cedric," leaving New York on the 25th instant. Minto.

Nr. 13228. GROSSBRITANNIEN und VEREINIGTE STAATEN. — Schiedsspruch.

Whereas by a Convention signed at Washington on the 24th day of January, 1903, by Plenipotentiaries of and on behalf of His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and of and on behalf of the United States of America, it was agreed that a Tribunal should be appointed to consider and decide the questions hereinafter set forth, such Tribunal to consist of six impartial Jurists of repute, who should consider judicially the questions submitted to them, each of whom should first subscribe an oath that he would impartially consider the arguments and evidence presented to the said Tribunal, and would decide thereupon according to his true judgment, and that three members of the said Tribunal should be appointed by His Britannic Majesty and three by the President of the United States: || And whereas it was further agreed by the said Convention that the said Tribunal should consider in the settlement of the said questions submitted to its decision the Treaties respectively concluded between His Britannic Majesty and the Emperor of All the Russias, under date of the 28th (16th) February, A.D. 1825, and between the United States of America and the Emperor of All the Russias, concluded under date of the 18th (30th) March, A.D. 1867, and particularly the Articles III, IV, and V of the first-mentioned Treaty, and should also take into consideration any action of the several Governments or of their respective Representatives, preliminary or subsequent to the conlusion of the said Treaties so far as the same tended to show the original and effective understanding of the parties in respect to the limits of their several territorial jurisdictions under and by virtue of the provisions of the said Treaties: || And whereas it was further agreed by the said Convention, referring to Articles III, IV, and V of the said Treaty of 1825, that the said Tribunal should answer and decide the following questions: — || 1. What is intended as the point of commencement of the line? || 2. What channel is the Portland Channel? || 3. What course should the line take from the point of commencement to the entrance to Portland Channel? || 4. To what point on the 56th parallel is the line to be drawn from the

head of the Portland Channel, and what course should it follow between these points? || 5. In extending the line of demarcation northward from said point on the parallel of the 56th degree of north latitude, following the crest of the mountains situated parallel to the coast until its intersection with the 141st degree of longitude west of Greenwich, subject to the conditions that if such line should anywhere exced the distance of 10 marine leagues from the ocean, then the boundary between the British and the Russian territory should be formed by a line parallel to the sinuosities of the coast and distant therefrom not more than 10 marine leagues, was it the intention and meaning of the said Convention of 1825 that there should remain in tke exclusive possession of Russia a continuous fringe, or strip, of coast on the mainland, not exceeding 10 marine leagues in width, separating the British possessions from the bays, ports, inlets, havens, and waters of the ocean, and extending from the said point on the 56th degree of latitude north to a point where such line of demarcation should intersect the 141st degree of longitude west of the meridian of Greenwich? || 6. If the foregoing question should be answered in the negative, and in the event of the summit of such mountains proving to be in places more than 10 marine leagues from the coast, should the width of the *lisière*, which was to belong to Russia, be measured (1) from the mainland coast of the ocean, strictly so-called, along a line perpendicular thereto, or (2) was it the intention and meaning of the said Convention that where the mainland coast is indented by deep inlets forming part of the terrritorial waters of Russia, the width of the *lisière* was to be measured (*a*) from the line of the general direction of the mainland coast, or (*b*) from the line separating the waters of the ocean from the territorial waters of Russia, or (*c*) from the heads of the aforesaid inlets? || 7. What, if any exist, are the mountains referred to as situated parallel to the coast, which mountains, when within 10 marine leagues from the coast, are declared to form the eastern boundary?

And whereas His Britannic Majesty duly appointed Richard Everard, Baron Alverstone, G.C.M.G., Lord Chief Justice of England, Sir Louis Amable Jetté, K.C.M.G., Lieutenant-Governor of the Province of Quebec, and Allen Bristol Aylesworth, one of His Majesty's Counsel; and the President of the United States of America duly appointed the Honourable Elihu Root, Secretary of War of the United States, the Honourable Henry Cabot Lodge, Senator of the United States from the State of Massachusetts, and the Honourable George Turner, of the State of Washingten, to be members of the said Tribunal: || Now, therefore, we, the Undersigned, having each of us first subcribed an oath, as provided by the said Con-

vention, and having taken into consideration the matters directed by the said Convention to be considered by us, and having judicially considered the said questions submitted to us, do hereby make Answer and Award as follows: —

In answer to the 1st question — || The Tribunal unanimously agrees that the point of commencement of the line is Cape Muzon.

In answer to the 2nd question — || The Tribunal unanimously agrees that the Portland Channel is the channel which runs from about 55° 56′ north latitude, and passes to the north of Pearse and Wales Islands. || A majority of the Tribunal, that is to say, Lord Alverstone, Mr. Root, Mr. Lodge, and Mr. Turner, decides that the Portland Channel, after passing to the north of Wales Island, is the channel between Wales Island and Sitklan Island, called Tongass Channel. The Portland Channel above mentioned is marked throughout its length by a dotted red line from the point B to the point marked C on the map signed in duplicate by the Members of the Tribunal at the time of signing their decision.

In answer to the 3rd question — || A majority of the Tribunal, that is to say, Lord Alverstone, Mr. Root, Mr. Lodge, and Mr. Turner, decides that the course of the line from the point of commencement to the entrance to Portland Channel is the line marked A B in red on the aforesaid map.

In answer to the 4th question — || A majority of the Tribunal, that is to say, Lord Alverstone, Mr. Root, Mr. Lodge, and Mr. Turner, decides that the point to which the line is to be drawn from the head of the Portland Channel is the point on the 56th parallel of latitude marked D on the aforesaid map, and the course which the line should follow is drawn from C to D on the aforesaid map.

In answer to the 5th question — || A majority of the Tribunal, that is to say, Lord Alverstone, Mr. Root, Mr. Lodge, and Mr. Turner, decides that the answer to the above question is in the affirmative.

Question 5 having been answered in the affirmative, question 6 requires no answer.

In answer to the 7th question — || A majority of the Tribunal, that is to say, Lord Alverstone, Mr. Root, Mr. Lodge, and Mr. Turner, decides that the mountains marked S on the aforesaid map are the mountains referred to as situated parallel to the coast on that part of the coast where such mountains marked S are situated, and that between the points marked P (mountain marked S, 8,000) on the north, and the point marked T (mountain marked S, 7,950), in the absence of further survey, the evidence is not sufficient to enable the Tribunal to say which are the mountains parallel to the coast within the meaning of the Treaty.

In witness whereof we have signed the above-written decision upon the questions submitted to us.

Signed in duplicate this 20th day of October, 1903.

(Signed) Alverstone.
Elihu Root.
Henry Cabot Lodge.
George Turner.

Witness:
(Signed) Reginald Tower,
Secretary.

Nr. 13229. **GROSSBRITANNIEN.** — Meinung Lord Alverstones 20. Oktober 1903.

I.

Second Question.

What Channel is the Portland Channel?

The answer to this question, as indicated by the learned Counsel on both sides, depends upon the simple question: What did the Contracting Parties mean by the words „the channel called the Portland Channel" in Article III of the Treaty of 1825? This is a pure question of identity. In oder to answer it one must endeavour to put oneself in the position of the Contracting Parties and ascertain as accurately as possible what was known to them of the geography of the district so far as relates to the channel called the Portland Channel. || There are certain broad facts which, in my opinion, establish beyond any reasonable question that the negotiators had before them Vancouver's maps, the Russian map (No. 5 in the British, No. 6 in the American Atlas), Arrowsmith's maps (probably the map numbered 10 in the American Atlas), and Faden's maps (British Appendix, pp. 10 and 11). || I have, moreover, no doubt that the negotiators were acquainted with the information contained in Vancouver's narrative. I do not think it necessary to state in detail the evidence which has led me to this conclusion beyond stating that, quite apart from the overwhelming probability that this was the case, there are passages in the documents which, in my judgment, establish it to demonstration, but, for the purpose of my reasons, it is sufficient to say that I have come to that clear conclusion after the most careful perusal of the documents. || I will now endeavour to summarize the facts relating to the channel called Portland Channel, which the information afforded by the maps and documents to which I have referred, establish. The first and most important is that it was perfectly well known before, and at the date of the Treaty, that there were two channels or inlets,

the one called Portland Channel, the other Observatory Inlet, both of them coming out to the Pacific Ocean. || That the seaward entrance of Observatory Inlet was between Point Maskelyne on the south and Point Wales on the north. || That one entrance of Portland Channel was between the island now known as Kannaghunut and Tongas Island. || That the latitude of the mouth or entrance to the channel called Portland Channel, as described in the Treaty and understood by the negotiators, was at 54° 45′. || The narrative of Vancouver refers to the channel between Wales Island and Sitklan Island, known as Tongas Passage, as a passage leading south-south-east towards the ocean—which he passed in hope of finding a more northern and westerly communication to the sea, and describes his subsequently finding the passage between Tongas Island on the north and Sitklan and Kannaghunut on the south. The narrative and the maps leave some doubt on the question whether he intended the name Portland Canal to include Tongas Passage as well as the passage between Tongas Island on the north and Sitklan and Kannaghunut Island on the south. In view of this doubt, I think having regard to the language, that Vancouver may have intended to include Tongas Passage in that name, and looking to the relative size of the two passages, I think that the negotiators may well have thought that the Portland Channel, after passing north of Pearse and Wales Island, issued into the sea by the two passages above described. || For the purpose of identifying the channel, commonly known as Portland Channel, the maps which were before the negotiators may be useful. This is one of the points upon which the evidence of contemporary maps as to general reputation is undoubtedly admissible. It is sufficient to say that not one of the maps which I have enumerated above in any way contradicts the precise and detailed situation of Portland Channel and Observatory Inlet given by Vancouver's narrative, and the other documents to which I have referred. The Russian map of 1802 shows the two channels distinctly; and the same may be said of Faden's maps, on which so much reliance was placed on the part of the United States. || I do not attach particular importance to the way in which names on the maps are written or printed, and therefore I do not rely upon the fact that, in the case of some of these contemporary maps, the words „Portland Channel" are written so as to include, within the name, the lower part of the channel which is in dispute. From long experience I have found that it is not safe to rely upon any such peculiarities. || After the most careful consideration of every document in this Case, I have found nothing to alter or throw any doubt on the conclusion to which I have arrived, and there

are certain general considerations which strongly support it. || Russia and Great Britain were negotiating as to the point on *the coast* to which Russian dominion should be conceded. It is unnecessary to refer to all the earlier negotiations, but it is distinctly established that Russia urged that her dominion should extend to 55° of latitude, and it was in furtherance of this object that Portland Channel, which issues into the sea at 54° 45′, was conceded and ultimately agreed to by Great Britain. No claim was ever made by Russia to any of the islands south of 54° 45′ except Prince of Wales Island, and this is the more marked because she did claim the whole of Prince of Wales Island, a part of which extended to about 54° 40′. || The islands between Observatory Inlet and the channel, to which I have referred above as the Portland Channel, are never mentioned in the whole course of the negotiations. || It is suggested on behalf of the United States that Portland Channel included both the channels, namely, the channel coming out between Point Maskelyne and Point Wales, and that running to the north of Pearse and Wales Islands, and that, upon the doctrine of the thalweg, the larger channel must be taken as the boundary. It is sufficient to say that, in my opinion, there is no foundation for this argument. The lengths and the points of land at their entrances are given in the case of each channel by Vancouver in a way which precludes the suggestion that he intended to include both channels under one name, and it must be remembered that he was upon a voyage of discovery, and named these channels when he had discovered and explored them. || Inasmuch as the question submitted to us only involves the determination of the channel described in the Treaty by the words already cited „the channel called Portland Channel," subsequent history can throw no light upon this question; but I think it right to say that the use in the year 1853 of the name Portland Inlet in the British Admiralty Chart, upon which much reliance was placed on behalf of the United States has, in my opinion, no bearing upon the question, and the references to Tongas Island in 1835 as being on the frontier of the Russian Straits, and in 1863 as being on the north side of the Portland Canal, and in 1869 as to Tongas being on the boundary between Alaska and British Columbia, are strongly confirmatory of the view at which I have arrived upon the consideration of the materials which were in existence at the date of the Treaty. || I therefore answer the Second Question as follows: —

The Channel which runs to the North of Pearse and Wales Islands, and issues into the Pacific between Wales Island and Sitklan Island.

Alverstone.

II.

Fifth Question.

In extending the line of demarcation northward from said point on the parallel of the 56th degree of north latitude, following the crest of the mountains situated parallel to the coast until its intersection with the 141st degree of longitude west of Greenwich, subject to the condition that if such line should anywhere exceed the distance of 10 marine leagues from the ocean, then the boundary between the British and the Russian territory should be formed by a line parallel to the sinuosities of the coast, and distant therefrom not more than 10 marine leagues, was it the intention and meaning of said Convention of 1825 that there should remain in the exclusive possession of Russia a continuous fringe, or strip of coast on the mainland not exceeding 10 marine leagues in width, separating the British possessions from the bays, ports, inlets, havens, and waters of the ocean, and extending from the said point on the 56th degree of latitude north to a point where such line of demarcation should intersect the 141st degree of longitude west of the meridian of Greenwich?

Stated shortly, I understand this question to ask whether the eastern boundary whether fixed by the crest of the mountains or by a distance of 10 marine leagues, was to run round the heads of the bays, ports, inlets, havens, and waters of the ocean, or not, I have come to the conclusion in the affirmative, viz., that the boundary, whether running along the summits or crests of the mountains, or—in the absence of mountains—at a distance of 10 marine leagues, was to run round the heads of the inlets, and not to cross them. || The language of the Treaty of 1825 does not of itself enable this question to be answered distinctly—on the contrary, it contains the ambiguities which have given rise to the discussion upon the one side and the other. || Paragraph 2 of Article III states that the line of demarcation shall follow the summit of the mountains situated parallel to the coast („parallèlement à la côte"). This is the clause upon which the question really depends, because in the event of mountains being found to exist, situated parallel to the coast within a distance of 10 marine leagues, no recourse need be had to Article IV. Article IV, however, is of importance, as it may tend to throw light upon what was the meaning of the word „coast" in Article III; and the words in paragraph 2 of Article IV are „wherever the summits of the mountains which extend in a direction parallel to the coast from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude shall prove to be at a distance of more than 10 marine leagues from the

ocean". It is, in my opinion, correctly pointed out, on behalf of the United States, that the word „coast" is an ambiguous term, and may be used in two, possibly in more than two, senses. I think, therefore, we are not only entitled, but bound, to ascertain as far as we can from the facts which were before the negotiators the sense in which they used the word „coast" in the Treaty. || Before considering this latter view of the case, it is desirable to ascertain, as far as possible from the Treaty itself, what it means, and what can be gathered from the language of the Treaty alone. The parties were making an Agreement, as the opening words of the Treaty show, as to the limits of their respective possessions on the north-west coast of America, and there cannot be any question that the word „coast" in Articles I and II refers to the north-west coast of America. In Article III the opening words, „upon the coast of the continent," also refer to the north-west coast of America. The first ambiguity arises upon the word „coast" in the phrase „parallel to the coast" in the description of the boundary in Article III, and as to the word „coast" in the words „parallel to the coast" in the second paragraph of Article IV, and the words „the line of coast" and „the windings of the coast" in the same paragraph. Article V does not bear directly upon the question in dispute, but the words „or upon the border of the continent" („*lisière de terre ferme*"), which follow the words „upon the coast," afford some slight guide to the meaning of the word „coast" in Article III. The word „coast" in Article VI evidently means the coast of the continent, as it is in contrast with the words „ocean" and „the interior." I postpone the consideration of the meaning of the word „coast" in Article VII, as it raises a very important question, which is in controversy. Considering these various passages, and the use made of the word „coast" therein, do they enable one, without reference to the previous negotiations, to answer the question as to whether the strip of territory mentioned in Article III was to run round the heads of the bays and inlets, or to cross them? I am of opinion that they do not. The broad, undisputed facts are that the parties were engaged in making an Agreement respecting an archipelago of islands of the coast, and some strip of land upon the coast itself. The western limit of these islands extends in some places about 100 miles from the coast, and the channels or passages between the islands and the coast are narrow waters of widths varying from a few hundred yards to 13 miles. In ordinary parlance no one would call the waters of any of these channels or inlets between the islands, or between the islands and the mainland, „ocean". I agree with the view presented on behalf of Great Britain, that no one coming from the interior and reaching any of

these channels, and particularly the head of the Lynn Canal or Taku Inlet, would describe himself as being upon the ocean; but, upon the other hand, it is quite clear that the Treaty does regard some of these channels as ocean. For instance, to take points as to which no question arises, between Wrangell Island, Mitkoff Island, and Kupreanoff Island, all of which are north of latitude 56, it cannot, I think, be disputed that, for the purpose of the Treaty, the waters between these islands and the mainland were included in the word „ocean," and that the coast upon which the eastern boundary of the *lisière* was to be drawn was the coast of the continent, and the mountains referred to in Article III were to be upon that coast, and the line referred to in paragraph 2 of Article IV was to be measured from those waters. This consideration, however, is not sufficient to solve the question; it still leaves open the interpretation of the word „coast" to which the mountains were to be parallel. || Now, it is to be observed that *primâ facie* the eastern boundary is to be fixed under Article III; as already pointed out, it is not necessary to have recourse to Article IV unless the mountains which correspond to those described in Article III prove to be at a distance of more than 10 marine leagues from the ocean. Assuming that the boundary is being determined in accordance with Article III, the mountains which are on the continent are to be parallel to the coast, and a person fixing the boundary under Article III would not leave the line which follows the summits or crest of the mountains unless that line was situated at more than 10 marine leagues from the ocean. As I have already pointed out, for a considerable part of the distance referred to in Article III, namely, from the southern end of Wrangell Island up to the northern end of Kupreanoff Island, the distance must be measured from the shore of these inland waters, which, and which alone, are the ocean referred to in Article IV. I am unable to find any words in the Treaty which direct that the mountain line contemplated by Article III shall cross inlets or bays of the sea. In so far as the language of Article III of itself is a guide, it does not seem to me to contemplate such a state of things. Of course, if the main contention of Great Britain can be adopted, viz., that the words „line of coast" and „windings of the coast," in paragraph 2 of Article IV, should it be necessary to have recourse to that paragraph, mean the general line of coast or the windings of the general coast, excluding inlets, the difficulty would disappear; but, in order to etablish that position, it seems to me that Great Britain must show that the Treaty uses the word „coast" in the second paragraph of Article III, and in the second paragraph of Article IV, in that sense.

I see some broad objections to this view. In the first place, it

necessitates the word „coast“ being used with two different meanings in the same clause; and, secondly, it makes it necessary to assume a view of the geographical position as being known to the negotiators, or to postulate that they assumed some definition, or common understanding, as to what the general line of the coast was. || There is, as far as I know, no recognized rule of international law which would by implication give a recognized meaning to the word „coast“ as applied to such sinuosities and such waters different from the coast itself. || As I have said more than once, the *locus in quo* to which the Treaty was referring precludes the possibility of construing the word „coast“ in any particular Article in any special way, if it does not refer to the coast-line of the continent. I think the words, „upon the border of the continent (*lisière de terre ferme*) comprised within the limits of the Russian possessions,“ in Article V, rather confirm the view that Russia was to get a strip all along the continent, bus I do not think that much reliance can be placed upon this because of the provision as to rivers and streams in Article VI. || Before leaving the Treaty, it is, in my opinion, necessary to notice the very important argument put forward by Great Britain, founded upon Article VII It was contended by Great Britain that the words „gulfs, havens, and. creeks on the coast mentioned in Article III,“ referred only to the gulfs, havens, and creeks on the *lisière* or strip bounded as described in that Article. If Great Britain could have made good that contention it would, in my opinion, have afforded the strongest argument that the Treaty contemplated that the *lisière* or strip might cross bays, inlets, and arms of the sea; but in my opinion the contention cannot be successfully maintained. || The coast mentioned in Article III is, in my opinion, the coast of the continent, and the coast referred to in the second paragraph of Article IV is also the coast of the continent. The *lisière*, ascertained by drawing the boundary in accordance with the directions in Article III, is a strip upon the coast, and would not, I think, be naturally described by the words „the coast mentioned in Article III.“ My view is that the provisions of Article VII are perfectly general, and gave mutual rights for a period of ten years to Russia and Great Britain respectively in respect of their possessions upon the north-west coast of America. || Turning now from the consideration of the language of the Treaty alone, what light is thrown upon this question by reference to the negotiations? || After most careful examination, I have been unable to find any passage which supports the view that Great Britain was directly or indirectly putting forward a claim to the shores or ports at the head of the inlets. This is not remarkable, inasmuch as no one at the time had any idea

that they would become of any importance. || In March 1824, among the objects desired to be secured by Great Britain are stated to be the „embouchures" of such rivers as might afford an outlet. In the proposals referred to in the same letter the *lisière* is spoken of as a strip of land on the mainland, also as a strip of land on the coast of the continent. In the same documents the boundary is spoken of as „the mountains which follow the windings of the coast," and in correspondence of July 1824 as „following the sinuosities of the coast along the base of the mountains nearest the sea," and „the base of the mountains which follow the sinuosities of the coast," and „mountains designated as the boundary shall extend down to the very border of the coast." It is sufficient to say that these passages certainly do not suggest, or imply, that the line from summit to summit will cross any substantial arm of the sea; and that it was not so understood by the negotiators for Great Britain, seems to me to follow from the passage in the letter of the 24th July, 1824, in which Great Britain consented to substitute the summit of the mountains for the seaward base, and suggested that a stipulation should be added that no fort should be established, or fortification erected, by either party, on the summit or in the passes of the mountains. It is difficult to see how such words could be applicable if it was contemplated that there might be a gap of 6 miles between summit and summit crossing the water. I have only to add upon this point that the language of both the British and Russian Representatives, in reporting the conclusion of the Treaty to their respective Governments, is in accordance with the view which I have suggested. || I have felt it my duty to express the reasons which have led me to the conclusion to which I have come, that the answer to the Fifth Question should be in the affirmative, because I am constrained to take a view contrary to that presented by the advocates on behalf of Great Britain; but it must not be thought that I am insensible to the fact that there are strong arguments which might be urged in favour of the British view. I have little doubt that, if shortly after the making of the Treaty of 1825 Great Britain and Russia had proceeded to draw the boundary provided by the Treaty in accordance with the terms thereof, the difficulties, and, in certain events, the impossibilities, of drawing a boundary in strict accordance with the Treaty would have been made evident. If, for instance, it had become necessary to draw a boundary in accordance with paragraph 2 of Article IV of the Treaty, I believe that the view expressed by both the American and British authorities, that it is impossible to do so, would at once have become apparent. And in the same way, if the contention of the United

States be well founded that no mountains exist on the coast which correspond with the Treaty, a further difficulty would have been made manifest. || I can, therefore, well understand and appreciate the contention of Great Britain, that, under the existing state of circumstances, difficulties in delimiting the boundaries described must arise in one view, and might arise in any view. But these considerations, strong as they are in favour of a just and equitable modification of the Treaty, do not in my opinion enable one to put a different construction upon the Treaty. I think that the parties knew and understood what they were bargaining about, and expressed the terms of their bargain in terms to which effect can be given. The fact that when, sixty-five years later, the representatives of the two nations attempted to draw the boundary in accordance with the Treaty, they were unable to agree upon its meaning, does not entitle me to put a different construction upon it. || In the view I take of the terms of the Treaty itself, it is not necessary to discuss subsequent action. Had the terms of the Treaty led me to a different conclusion, and entitled me to adopt the view presented by Great Britain, I should have felt great difficulty in holding that anything that had been done or omitted to be done by, or on behalf of, Great Britain, or that any conduct on her part, prevented her from insisting on the strict interpretation of the Treaty; nor do I think that the representations of mapmakers that the boundary was assumed to run round the heads of the inlets could have been properly urged by the United States as a sufficient reason for depriving Great Britain of any rights which she had under the Treaty, had they existed.

I therefore answer this Question in the affirmative.

Alverstone.

Nr. 13230. **GROSSBRITANNIEN.** — Meinung Mr. Aylesworths.

London, 17. Oktober 1903.

As the majority of the members of Tribunal have arrived at a conclusion which is entirely opposed to what, „according to my true judgment," is the plain meaning of the Treaty we have to interpret, it appears necessary that I should state as briefly as I am able a few of the many reasons which compel me to dissent altogether from their Award. || With regard to the point of commencement of the boundary line no question arises, as all parties agree that it is Cape Muzon. || Upon the second question I quote the words of the President of this Tribunal, the italics, except in one instance, being my own. || Among the facts relating to

Portland Channel hc finds — || „That the latitude of the mouth or entrance to the channel called Portland Channel, *as described in the Treaty and understood by the negotiators, was at* 54° 45′."

Among the general considerations which support his conclusion he states that — „Russia and Great Britain were negotiating as the point *on the coast* to which Russian dominion should be conceded. It is unnecessary to refer to all the earlier negotiations; but it is distinctly established that Russia urged that her dominion should extend to 55° of latitude, and it was in furtherance of this object *that Portland Channel, which issues into the sea at* 54° 45′, *was conceded and ultimately agreed to by Great Britain.* No claim was ever made by Russia to any *of the islands south of* 54° 45′ except Prince of Wales Island, and this is the more marked because she did claim the whole of Prince of Wales Island, a port of which extended to about 54° 40′. || „The islands between Observatory Inlet and the channel, to which I have referred above as the Portland Channel, are *never mentioned in the whole course of the negotiations.*"

These extracts are from Lord Alverstone's Memorandum, expressing his considered judgment on this branch of the case. These conclusions have been arrived at after full discussion among ourselves of the answer which, upon the evidence, should be given to the second question — in which discussion each member of the Tribunal has stated, at length, his individual views. Concurring, as I do, in the findings of fact stated in this Memorandum, I should have contented myself with differing from the conclusion reached but for the course our proceedings have taken. || Consideration of the second question has been to-day resumed, and by unanimous vote of the Tribunal it has been affirmed that each member, „according to his true judgment," believes the Portland Channel mentioned in the Treaty to be the channel extending towards the sea from latitude 55° 56′, and lying to the north of Pearse and Wales Islands. But, notwithstanding this unanimous finding of fact, it has been, by the majority of the Tribunal, decided that the boundary line, starting from Cape Muzon, shall run to the south, instead of to the north, of Kannaghunut and Sitklan Islands, and so shall enter Portland Channel between Sitklan and Wales Islands. || This course for the boundary is directly opposed to the distinct findings made, and the whole line of reasoning adopted by the President in his Memorandum of reasons for the decision. It is a line of boundary which was never so much as suggested in the written Cace of the United States, or by Counsel, during the oral argument before us. No intelligible reason for selecting it has

been given in my hearing. No Memorandum in support of it has been presented by any member of the Tribunal, and I can, therefore, only conjecture the motives which have led to its acceptance. || It is admitted by everybody as absolutely clear and indisputable that on the occasion of his naming Portland Canal, Vancouver, in his exploration of that channel, traversed it from its head inland to its entrance into the ocean in latitude 54° 45′, that, in so doing, he sailed down Portland Channel, along the passage north of Pearse and Wales Islands, and straight onward to the sea through the passage north of Sitklan and Kannaghunut Islands. Every one knows and admits that Vancouver never traversed the passage between Sitklan Island and Wales Island, through which this boundary line is now made to run. No more can it be pretended that this passage (which is now called Tongass Passage) was ever named by Vancouver, was ever treated by him, or by any mapmaker at any time, as in any way belonging to Portland Canal, or was ever thought of by those who negotiated the Treaty of 1825 as being any part of that channel. || The Lord Chief Justice finds as a fact, which the maps and documents etablish, that *one* entrance of Portland Channel was between the islands now known as Kannaghunut and Tongass. I concur entirely in this finding, but must add that this entrance to the channel is the only entrance to it ever known, or in any way treated as part of the channel. || There is simply not the slightest evidence anywhere, that I am able to find, that either Vancouver or any subsequent explorer or mapmaker ever considered, or so much as spoke of, Portland Channel as having *two* entrances to the ocean, or as including the passage through which this boundary line is now made to run. || But even if there were two or more such entrances, Vancouver's narrative and maps absolutely fix the one he explored and named by giving its exact latitude to the minute — 54° 45′. And the President finds, as a fact, that *this* mouth, or entrance, is the one „described in the Treaty and understood by the negotiators.“ || By what right, then, can this Tribunal, sitting judicially, and sworn to so determine and answer the questions submitted, reject the channel so „described in the Treaty and understood by the negotiators,“ and seek for a totally different channel, which, until now, no one ever thought of as any part of the Portland Channel mentioned in the Treaty? || I point to the additional circumstances so forcibly stated by my Lord. The whole negotiations were as to the „point on *the coast*“ to which Russia's southern boundary should be carried. The Treaty fixes as that point the promontory of the mainland immediately to the north of Kannaghunut and Sitklan Islands, the latitude of which is 54° 45′. The next point of mainland coast to

the southward is Point Maskelyne, and it, of course, is undisputably British territory. The islands which lie between were never asked for by Russia. As the President's Memorandum says, they were never so much as *mentioned* in the whole course of the negotiations. They lie wholly to the southward of 54° 45', wholly to the southward of the entrance to Portland Channel which alone is „described in the Treaty," or was „understood by the negotiators," that is to say, wholly to the southward of the true boundary, and yet the majority of this Tribunal is prepared to take two of those islands from Canada and transfer them to the United States. || How can such a determination be reconciled with our duty to decide judicially upon the question submitted to us?

It is no decision upon judicial principles; it is a mere compromise dividing the field between the two contestants. || The formal answer which the President's Memorandum makes to the question submitted is alone sufficient to condemn the boundary the Tribunal is making. *Question:* „What channel is the Portland Channel?" *Answer:* „The channel which runs to the north of . . . . . the *Islands of Sitklan* and *Kannaghunut,* and issues into the Pacific between Wales Island and Sitklan Island." || This language simply disregards entirely the relative position of the islands in question. Wales Island lies due east of Sitklan. But the channel which runs to the north of Sitklan and Kannaghunut joins the ocean there, and, therefore, of necessity issues into the Pacific at that place, and it is the undoubted mouth of Portland Channel. The Treaty makes Portland Channel the boundary, and if, as this answer formally states, Portland Channel is that channel which runs to the *north* of these two islands, such two islands are necessarily British soil. || The whole truth of the matter is simply this: that, as to Portland Channel, the case of Great Britain before us has been demonstrated to be unanswerable. By unanimous vote of this Tribunal it has been so declared. It was, therefore, impossible to avoid awarding to Great Britain the islands called Pearse and Wales. It is equally impossible upon any intelligible principle for a Tribunal, acting judicially, to hold that Portland Channel, immediately on passing Wales Island, makes a turn at right angles to itself, and runs between the Islands of Wales and Sitklan. The sole question presented to us for decision on this branch of the case was whether the Portland Channel of the Treaty lay north of the four islands or south of the four, and until to-day it has been uniformly admitted by everybody that all four of these islands belonged, all together, either to Great Britain or to the United States. Instead of so finding, the majority of the Tribunal have chosen to compromise with the plain facts of the case, and,

while awarding Pearse and Wales Islands to Great Britain, have determined to make those islands valueless to Great Britain or to Canada by giving to the United States the islands called Sitklan and Kannaghunut. The latter islands are of the utmost consequence, for they lie directly opposite to, and command the entrance to, the very important harbour of Port Simpson, British Columbia. || Upon such findings of fact as those above described, and after a solemn adjudication that the Portland Channel of the Treaty lies to the north of Pearse and Wales Islands, the taking of the two important islands, Sitklan and Kannaghunut, from Canada, and giving them to the United States by a proceeding said to be judicial, is, „according to my true judgment," nothing less than a grotesque travesty of justice. || In considering Questions 5, 6, and 7, the practical inquiry before us is where, upon the ground, the line of boundary described in the Treaty ought to be laid down. That line, from the 56th parallel to the 141st meridian, is to follow „la crête des montagnes situées parrallèlement à la côte." Our duty is, therefore, to find what mountains those are which the High Contracting Powers intended to describe by the words just quoted. || To do so we must first determine the meaning of the words „la côte," by reference to which the particular mountains meant by the Treaty are to be identified. || It may be that the word „coast" is generally used as meaning the edge of the land next to the sea, or the line where the water and the land meet, though the double word „coast-line" would more accurately express that idea, but the word „coast" has another well-recognized signification. It frequently meants the frontier of a country or territories near to the sea.

„Herod . . . . slew all the children that were in Bethlehem and in all the coasts thereof." — Matthew ii, 16. || „The Jews . . . . raised persecution against Paul and Barnabas, and expelled them out of their coasts." — Acts xiii, 50.

Exactly the same usage obtains in French in regard to the words „la côte." || In the Treaty of 1825 the word is used sometimes in the one sense, sometimes in the other, as the context will readily demonstrate. || The preamble speaks of the possessions of the two Powers „on the north-west coast of America." || Article I secures to the subjects of both Powers the right to land for purposes of trade at any unoccupied places „on the coasts." || Article II prohibits landing without permission at any establishment „on the north-west coast." || Article III defines a line of boundary between the possessions of the Powers „upon the coast of the continent."|| Articles IV and VI each speak of „la lisière de côte" which is to belong to Russia.

In all these cases the word is used in its territorial signification. || But in Articles III and IV the word is used as well in another sense. By Article III the boundary line, on leaving the 56th parallel, is to follow the top of the mountains „situées à la côte.“ By Article IV, if these mountains should anywhere turn out to be more than 10 leagues „from the ocean,“ the line is there to run parallel to the „sinuosités de la côte,“ but so as never to be more than 10 leagues away from it. || It is perfectly plain that „la côte“ here does not mean territorial possessions. The word is undoubtedly used in the same Treaty and in the same Article of the Treaty in different senses. || With what signification, then, is the word used in the instances just quoted? || Plainly, in Article IV the meaning is synonymous with the edge „of the ocean.“ The 10 leagues spoken of are to be measured „from the ocean“ or „from the coast.“ The result of the measurement must be the same in either case — therefore, water which is not the ocean cannot have a „coast-line“ from which the measurement of the 10 leagues could be made. || This consideration alone seems to me to demonstrate that the head of such an inlet as the Lynn Canal forms no part of the coast-line within the contemplation of this Treaty. It would seem to me ridiculous to speak of a ship as making an ocean voyage while sailing along Lynn Canal. It may be answered that the waters of Stephen's Passage, or at the mouth of the Stikine, are not ocean either, and I agree that such waters are, by reason of the outlying islands opposite, territorial waters, and not the open ocean, but in this Treaty the Powers were, with reference to the *lisière*, dealing with mainland coast alone, and, in that regard, speaking and contracting exactly as though no islands existed, and as though the shore of the mainland were washed by the open sea. || Lynn Canal, from Point Couverden to Skagway, is some 90 miles in length, and of a width varying from 2 or 3 to 7 or 8 miles. It is occupied at its mouth by islands which divide the entrance into three channels, of which the widest is not more than 3 nautical miles across, and each of the other two less than half that size. It is simply a land-locked lake of salt water, literally one of „les mers intérieures“ mentioned in Article VII of the Treaty. || If it were a question of determining the coast-line of Lynn Canal itself, such line would undoubtedly cross these islands at the entrance, just as the coast-line of Lake Ontario would cross from island to island where the waters of the lake, flowing through the Thousand Islands, become the River St. Lawrence. || Such line, crossing at its narrowest part the entrance of Lynn Canal from shore to shore, passing over the islands which lie in such entrance and the three intervening channels of water,

is literally the dividing line between Lynn Canal on the one side of it and the ocean on the other. Such line, in my opinion, is part of the line of „coast“ mentioned in Article IV, and the descriptive portion of Article III, of the Treaty. || The whole negotiations leading to the Treaty of 1825 grew out of the Russian Ukase of 1821, prohibiting foreign vessels from approaching the coast of North-west America, within 100 miles. The language of the Ukase in which this prohibition is worded contrasts the coasts with the islands, and shows that the coast of the mainland was that from which the 100 miles were intended to be measured, and M. Poletica, writing to Count Nesselrode (November 3, 1823) so describes it, saying that this Edict had extended the maritime jurisdiction of Russia to the distance of 100 miles „des côtes de la terre ferme.“ || The mainland coast-line within the meaning of this Ukase would, beyond doubt, cross Lynn Canal at the entrance, and Russia would have laughed at a foreign navigator contending that his ship of the entrance to Lynn Canal, at say 30 miles distance, was not transgressing the Ukase, or that she was not within 100 miles of the coast, because she was more than 100 miles from the head of Lynn Canal inland. || Ignoring the presence of the islands in front of the *lisière*, as we must do in considering what meaning the makers of this Treaty attached to the words „la côte“ when applying them to the mainland of the continent, it is too plain for argument to the contrary that the waters of Lynn Canal are territorial or inland waters, as distinguished from the main sea or the high sea. || It is the open uninclosed waters of the ocean, and not waters within the *fauces terræ* on the sea coast which constitute the high sea. || United States of America *v.* Grush (1829), 5 Mason 290. || Manchester *v.* Massachusetts (1890), 139 U.S., 139. || So, leaving the islands out of consideration, the mainland coast-line from which, if the islands were absent, one would have to measure the 3-mile strip of territorial sea water over which the Power owning the *lisière*, would have jurisdiction would pass from headland to headland, following in a general way the windings of the natural shore, but never entering long and narrow inlets or departing substantially from the general trend of the coast.

That the Plenipotentiaries who negotiated the Treaty considered the coast as not ascending such an inlet as Lynn Canal is abundantly evident from their language. They considered the head of Lynn Canal as not ocean, but something very different. This is clearly shown by the language in which they speak of Portland Channel, an inlet of practically identical character, though not extending so far inland. || In their observations on Sir Charles Bagot's amended proposal (February-March 1824), the Russians

speak of Portland Channel as having its „origine dans les terres“ at the 56th parallel. || In writing Count Lieven, under date the 5th (17th) April, 1824, Count Nesselrode says the Russians were willing to fix as their southern boundary Portland Canal „dont l'embouchure dans l'océan est à la hauteur de l'Ile du Prince de Galles et l'origine dans les terres entre les 55ᵉ et 56ᵉ degrés de latitude.“ || It certainly never could have been Count Nesselrode's idea that the head of Portland Canal, 80 miles from its „embouchure dans l'océan“, was none the less ocean, and no more ought any one now to think he could persuade an impartial mind that the head of Lynn Canal, still further inland, was the Pacific Ocean. || Reference may well be made also to the language of the Russian „contre-projet“ of August 1824, by Article 1 of which it is proposed that the boundary-line shall ascend Portland Channel „jusqu'au point où cette passe se termine dans l'intérieur de la terre ferme.“ || In the draft of the proposed Treaty forwarded by Mr. George Canning to Mr. Stratford Canning on the 8th December, 1824, the boundary-line was described as to ascend Portland Channel till it strikes „the coast“ of the continent in the 56th degree of north latitude. Translating this document into the French language, Mr. Stratford Canning submitted his final „projet“, in which it is proposed that the boundary-line shall ascend Portland Channel until it reaches „la côte de terre ferme“ at the 56th parallel. M. Matusevich, for the Russian Government, recognizing the impropriety of describing the head of such a channel as „the coast,“ changed the phraseology into „l'endroit où cette passe se termine dans l'intérieur de la terre ferme.“ || Surely, under such circumstances, Russia could never afterwards have pretended that the head of Portland Channel, or of any similar inlet, was upon the coast or formed part of the coast. || It seems to me equally an utter misapprehension and perversion of language to term a long, narrow fiord such as Lynn Canal a mere „sinuosité de la côte“, parallel to the sides of which the Treaty intended this boundary-line to be drawn. The coast „parallèlement“ to which the mountains forming the boundary are situate is, in my opinion, clearly the general trend or direktion of the mainland coast-line, disregarding alike narrow inlets and narrow peninsulas — cutting off a headland, it may be, where physical features justify it, or crossing the mouth of an inlet as readily as though it were the mouth of a river. And it seems to me of much importance to note that this was the view adopted by the Superintendent of the United States' Coast and Geodetic Survey when issuing to his assistants instructions for their work of survey under the Convention of the 22nd July, 1892. It was upon this footing that the work of survey was done

by the United States' and British Governments, and the object of such survey was to ascertain the facts and data necessary to the permanent delimitation of the boundary-line. This work, done upon this principle by the parties now litigating, affords to us by their Convention the information upon which the boundary-line must now be established in accordance with the spirit and true intent of the Treaty in regard to it. || From such general trend of mainland coast-line the inner boundary of the *lisière* can never be *more than* 10 marine leagues distant; it may be much less if, nearer to the coast, mountains exist such as the Treaty contemplates. || Such a coast-line will follow literally the windings of the coast („les sinuosités de la côte"), but will not depart from such coast to penetrate the interior 80 or 90 miles along a salt-water inlet any more than it would ascend for that distance a fresh-water river of possibly equal width. || If this is the true meaning of the words „la côte" as used in the Treaty in describing the boundary-line, such boundary-line must inevitably cross any inlet which is deeper than the maximum width of the *lisière* and leave the head waters of such inlet within British territory, and, in my judgment, the Treaty itself furnishes conclusive inherent evidence that such result was exactly what the Powers entering into it contemplated. || By Article VII of the Treaty the vessels of the two Powers were for ten years to be reciprocally at liberty to frequent, for purposes of fishing and trading, all the inland seas, gulfs, havens, and bays, „sur la côte mentionnée dans l'Article III." || What waters then, were these, to frequent which the Russians were accepting from Great Britain a ten years' licence? || If it can be shown that these waters were those of the *lisière*, or that the Russians so understood, it follows that they contemplated the boundary-line at least possibly crossing inlets, and leaving the upper waters of such inlets within British territory. || The waters are those „sur la côte mentionnée dans l'Article III," but Article III speaks first of the possessions of the High Contracting Parties „sur la côte du continent," and afterwards of the boundary of the *lisière* on the mountains „situées parallèlement à la côte." || Is it, then, the coast of the continent or the coast of the *lisière* to which Article VII refers? || Let the history of the Article as traced from the negotiations give the answer. || Mr. George Canning first proposed it in his letter to Count Lieven of 29th May, 1824, and in his draft Convention forwarded from London on 12th July following. || As to the *lisière*, the proposal was (Article III, 2) that British subjects should *for ever* freely navigate and trade along its coast, nothing being offered to Russian subjects as to British waters *there.* But with regard to the other parts of the north-

west coast of America, Article V proposed that for years the vessels of the respective Powers and of their subjects should reciprocally enjoy the liberty of visiting for purposes of fishery and commerce the gulfs, havens, and creeks in places not already occupied.

Article V in this draft did not affect the *lisière* now in question, and made no mention of any right to either Power to fish or trade in „les mers intérieures" of the other's territory. Article V, as so presented to Russia, was merely an offer by Great Britain of a temporary licence to fish and trade in British waters south of Portland Channel upon Russia according to Great Britain similar licence in respect of Russian waters west of Mount St. Elias. But the Russians were unwilling to concede to Great Britain the right to navigate and trade along the coast of the *lisière for ever*, and with regard to the other parts of the continental coast, having never asked from Great Britain any privileges of fishing or trading south of Portland Channel, they absolutely refused to grant to her similar privileges north of the 60th parallel, or, which is to say, west of Mount St. Elias. || In his letter to Count Lieven of 31st August (4th September), 1824 (App., Br. Case at p. 98, last paragraph, and p. 99 first paragraph), Count Nesselrode is emphatic and indignant in his declaration that except as to the *lisière*, no concession whatever in regard to either fishing, hunting, or trading would be made to Great Britain. Adhering firmly to this determination as the Russians did, refusing inflexibly to grant to Great Britain any fishing or trading privileges west of Mount St. Elias, with what grace could Russia have demanded what she had never before asked, viz., exactly such privileges in the British territories south of Portland Canal? || Nor was any such suggestion made. On the contrary, in the same letter Count Nesselrode was careful to point out (App., Br. Case, p. 99, last paragraph), that Russia was leaving free to the trade of future establishments which English Companies might form on the north-west coast „tout le territoire situé au midi du Portland Channel." || After consideration of Count Nesselrode's despatch, Mr. George Canning, on the 8th December, 1824, instructed Mr. Stratford Canning to conclude the Treaty, accepting in above respects the objections of Russia, and saying — || „We are content also to assign the period of ten years for the reciprocal liberty of access and commerce with each other's territories."

This was in its very terms that which alone Russia had signified she would agree to, viz., reciprocity in access and commerce limited in time to ten years, and limited in extent to the waters between Mount St. Elias and Portland Canal. Between these points Britain could not possibly

have any waters to give except the heads of inlets. || In the draft Convention which accompanied these instructions to Mr. Stratford Canning, the Article which is now No. VII of the Treaty was amended by inserting therein the words „the inland sea" before the words „gulfs, havens, and creeks," which alone had appeared in the corresponding Article of the draft Convention sent by the same Minister to Sir Charles Bagot five months before. || There is no body of water between Mount St. Elias and Portland Channel of which these words are so apt a description as they are of Lynn Canal. || In his „projet," submitted to the Russian Plenipotentiaries, Mr. Stratford Canning changed the words „the inland sea" to „toutes les mers intérieures," as they stand in Article VII of the Treaty as signed. || In Mr. Stratford Canning's „projet," as amended by the Russians in the handwriting of M. Matusevich, it is absolutely clear that the Russians understood the ten years' licence of fishing and trading they were giving to the British, and reciprocally receiving from the British, related to the waters of the *lisière*, and to no other waters whatever. The wording of the Article is „toutes les mers intérieures, les golphes, havres, et criques dans les parties de la côte mentionnées dans l'Article III," while in Article III the only coast mentioned, and the only parts of the coast included, are the „coast" and the parts of it between latitude 54° 40′ and longitude 141. || In the Treaty, as finally signed, the words „dans les parties de la côte" become simply „sur la côte," and the possessions of the Powers are, in Article III, described as „on the coast of the continent," instead of as „on the continent," but the true meaning and intention of the parties has been in no way altered thereby, and from the time of Count Nesselrode's refusal to treat as to reciprocal trading rights elsewhere than in the *lisière* and Mr. Canning's acquiescence in such refusal, no further negotiations whatever on that subject took place. || I am, therefore, of the clear opinion that Russia, by the Treaty in question intended and understood that the boundary-line might cross inlets which penetrate and divide the *lisière* exactly as a river would, and that, in that event, the heads of such inlets would lie within British territory, exactly as the upper reaches of a river would where that river flowed across the *lisière*. || With reference to the seventh question, at the majority of the Tribunal has decided that the mountains which shall form the eastern boundary of the *lisière* are to be sought inland at some place behind the head waters of every inlet, it is idle for me to express my views at any length. || Over and over again in the negotiations this „lisière de côte" which Russia was asking and England giving was spoken of by the Russians as a mere „point d'appui," as extending inland only „une

très petite distance," as being only „une étroite lisière sur la côte même," or „une simple lisière du continent." || Consistently with this understanding of the width of the *lisière*, the mountains which were to form the inner boundary are always spoken of as being very near to the sea. The only knowledge of these mountains the negotiators of the Treaty had was derived from Vancouver's travels, and Vancouver had seen the mountains only from his ships as these explored the coast. || The mountains nearest the sea for the whole length of the *lisière* are, in fact, lofty peaks, 3000 feet or more in height, often rising to double or treble that elevation, and sometimes exceeding 15 000 feet. It is manifest that from the water, and close to shore, as Vancouver's course lay, mountains such as these would completely shut out any view of the country further inland. Except for possibly an occasional glimpse between seaward peaks of another mountain further away, Vancouver could have no knowledge what the nature of the country was behind the mountains he saw, and the language used by those who negotiated the Treaty of 1825 shows that the extent of their knowledge was in this regard equally limited. || Under such circumstances, it is difficult for me to understand how the Treaty, when it speaks of „montagnes situées parallèlement à la côte," can refer to mountains miles inland, invisible from the sea, which lie far behind the seaward mountains, and which it is an admitted impossibility that Vancouver ever saw or the negotiators of the Treaty ever knew the existence of. || The words of the Treaty, „montagnes situéess parallèlement à la côte," and the idea of parallelism thereby conveyed, imply the line of mountains next adjacent to the coast. Apart from the circumstance that no kind of reason can be assigned for skipping over one or two, or it may be half-a-dozen, lines of mountains between the coast and the boundary, the very fact that the Treaty couples the boundary-line directly with the coast-line argues in favour of the first line of mountains being meant. I think any one who spoke of two lines as parallel one to the other would scarcely have in contemplation a third line parallel to each, but situate between the two. || In the present case we have, moreover, the circumstance that throughout the negotiations preceding the Treaty, these mountains are invariably spoken of as near to the coast || In February 1824 the first proposal of Russia as to the line (p. 70, Br. Case, App.) was that it should follow Portland Canal „jusqu'aux montagnes qui bordent la côte." || Repeating this proposal in their observations on Sir Charles Bagot's amended proposal, the Russians say they would make the limit of the *lisière* to the east the chain of mountains „qui suit à une très petite distance les sinuosités de la côte." || In narrating to Count

Lieven the course of these negotiations, Count Nesselrode, in his letter of the 5th (17th) April, 1824, says they were willing their eastern frontier should run along the mountains „qui suivent les sinuosités de la côte.“ ‖ On Sir Charles Bagot's despatches reaching England, the Hudson's Bay Company suggested that the boundary ought to be fixed at the „nearest chain of mountains not exceeding a few leagues off the coast.“ ‖ Thereupon, Mr. George Canning sent to Sir Charles Bagot a draft Convention, with instructions to conclude the negotiations. In these instructions (12th July, 1824) Mr. Canning directs that the line of boundary be drawn along the „base of the mountains nearest the sea.“ ‖ This draft Convention prepared by Mr. Canning shows very clearly his understanding of the trifling width the *lisière* would have, as it contains a provision (not carried into the final Treaty, as the Russians objected) that the British should for ever have the right to trade „sur la dite lisière de côte, et sur *celle* des isles qui l'avoisinent.“ ‖ Mr. Canning's proposal that the boundary should be drawn along the base line of the mountains was objected to by Count Lieven for the reason, among others, that, considering the little certainty there then was in the geographical knowledge anybody had of the regions they were negotiating about, it would not be impossible that the mountains they were fixing as a boundary „s'étendissent par une pente insensible jusqu'aux bords même de la côte.“ ‖ This language makes its absolutely certain that the Russians understood their boundary to be the mountains nearest the sea. ‖ On their proposing to take the top instead of the base of these mountains as the line of boundary Mr. Canning assented, and the existing Treaty resulted. It is not pretended that any change in the particular mountains intended was ever made or suggested. Whatever mountains those were, the base of which the British proposed as the boundary, those were the mountains the tops of which, by the concluded Treaty, are the true boundary to-day, and it is to my mind clear to a demonstration that these were the mountains nearest the sea. ‖ Three days after the Ttreaty was signed, Count Nesselrode, in advising Count Lieven of the fact, says it would have been more just if, without any occasion possibly arising for application of the 10-league limitation, the boundary-line had all along its length followed the natural frontier formed by „les montagnes qui bordent la côte.“ ‖ Ten days later, in writing again to Count Lieven on the subject, he directs him to make this observation to Mr. Canning, then describing the boundary Russia would have preferred to have taken throughout as „la crête des montagnes qui suivent les sinuosités de la côte.“ ‖ I am therefore of opinion that, upon the true interpretation of this Treaty, the mountains which

constitute the boundary are those which skirt the coast, the more prominent peaks among which have been pointed out in the British Case and in the argument of Counsel before us. || Finally, I have merely to say this further, that the course the majority of this Tribunal has decided to take in regard to the islands at the entrance of Portland Channel is, in my humble judgment, so opposed to the plain requirements of justice, and so absolutely irreconcilable with any disposition of that branch of this case upon principles of a judicial character, that I respectfully decline to affix my signature to their Award. A. B. Aylesworth.

Nr. 13231. GROSSBRITANNIEN. — Meinung von Sir Louis Jetté.

October 22, 1903.

By a majority of four the Alaska Boundary Tribunal has come to a decision on the questions upon which it had to pass judgment in accordance with the provisions of the Treaty signed between Great Britain and the United States on the 24th January, 1903. || My honourable colleague, Mr. Aylesworth, and myself, have been unable to concur in most of the findings of the majority, and, although the Treaty does not call for any expression of opinion by those who differ, I feel it my duty to place on record, as briefly as I can, a few of the reasons by which I have been guided in arriving at conclusions different from those adopted by the other members of the Commission. || I have no intention of writing exhaustively on the different questions submitted to the Tribunal, as it would be more than useless at this moment. I will therefore refrain from any comment which could only be a repetition of the able argument advanced by the distinguished Counsel in the Case, and I will confine myself to a short and concise statement of the views which I firmly believe should have been accepted by the Tribunal. || The first Article of the Treaty of 1903 gives the following directions to the members of the Commission: — || „The Tribunal shall consist of six impartial jurists of repute, who shall consider judicially the questions submitted to them, each of whom shall first subscribe an oath that he will impartially consider the arguments and evidence presented to the Tribunal, and will decide thereupon according to his true judgment.“ || Thus, the character of the functions which had been confided to us is clearly defined. We have not been intrusted with the power of making a new Treaty, and it was not in our province to make concessions for the sake of an agreement; we had simply to give a judicial interpretation of the Articles of that Treaty which were submitted to us. And this position, as I take it, was rendered still more clear by the fact that, if a majority could not

be found to agree, no harm was done, the way being then still left open for the Governments of both countries to do what would, unquestionably, be in their power, that is, to settle the difficulty by mutual concessions if they found it advantageous to each other. || Finding, thus, that the line of demarcation between our duties and our powers had been very clearly defined, I took it to be my first duty, in passing on the different questions submitted to us, not to assume any more power than had been given to me by this Ist Article of the Convention of 1903. || Article III of this Treaty of 1903 then provides: — || „It is agreed by the High Contracting Parties that the Tribunal shall consider, in the settlement of question submitted to its decision, the Treaties respectively concluded between His Britannic Majesty and the Emperor of all the Russias, under date of the 28th February (16th March), A. D. 1825, and between the United States of America and the Emperor of All the Russias, concluded under date of the 30th March (18th April), A. D. 1867, and particularly the Articles III, IV, and V of the firstmentioned Treaty, which in the original text are word for word as follows: — || „III. La ligne de démarcation entre les possessions des Hautes Parties Contractantes sur la côte du continent et les îles de l'Amérique Nord-ouest, sera tracée ainsi qu'il suit: — || „A partir du point le plus méridional de lîle dite *Prince of Wales*, lequel point se trouve sous le parallèle du 54° 40' de latitude nord, et entre le 131ᵉ et le 133ᵉ degré de longitude ouest (méridien de Greenwich) la dite ligne remontera au nord le long de la passe dite *Portland Channel*, jusqu'au point de la terre ferme où elle atteint le 56ᵉ degré de latitude nord; de ce dernier point la ligne de démarcation suivra la crête des montagnes situées parallèment à la côte, jusqu'au point d'intersection du 141ᵉ degré de longitude ouest (même méridien); et, finalement, du dit point d'intersection, la même ligne méridienne du 141ᵉ degré formera, dans son prolongement jusqu'à la Mer Glaciale, la limite entre les possessions Russes et Britanniques sur le continent de l'Amérique Nord-ouest.

„IV. Il est entendu, par rapport à la ligne de démarcation determinée dans l'Article précédent — || „1. Que l'île dite *Prinee of Wales* appartiendra tout entière à la Russie. || 2. Que partout où la crête des montognes qui s'étendent dans une direction parallèle à la côte depuis le 56ᵉ degré de latitude nord au point d'intersection du 141ᵉ degré le longitude ouest, se trouverait à la distance de plus de 10 lieues marines de l'océan, la limite entre les possessions Britanniques et la lisière de côte mentionnée ci-dessus comme devant appartenir à la Russie sera formée par une ligne parallèle aux sinuosités de la côte, et qui ne pourra jamais en être éloignée que de 10 lieues marines.

V. Il est convenu, en outre, que nul établissement ne sera formé par une des deux Parties dans les limites que les deux Articles précédents assignent aux possessions de l'autre. En conséquence, les sujets Britanniques ne formeront aucun établissement soit sur la côte, soit sur la lisière de terre ferme comprise dans les limites des possessions Russes, telles qu'elles sont désignées dans les deux Articles précédents; et, de même, nul établissement ne sera formé par des sujets Russes au delà des dites limites. || The Treaty then further provides: — || The Tribunal shall also take into consideration any action of the several Governments or of their respective Representatives, preliminary or subsequent to the conclusion of said Treaties, so far as the same tends to show the original and effective understanding of the Parties in respect to the limits of their several territorial jurisdictions under and by virtue of the provisions of said Treaties.

Article IV.

„Referring to Articles III, IV, and V of the said Treaty of 1825, the said Tribunal shall answer and decide the following questions:— || 1. What is intended as the point of commencement of the line? || 2. What channel is the Portland Channel? || 3. What course should the line take from the point of commencement to the entrance to Portland Channel? || 4. To what point on the 56th parallel is the line to be drawn from the head of the Portland Channel, and what course should it follow between these points? || 5. In extending the line of demarcation northward from said point on the parallel on the 56th degree of north latitude, following the crest of the mountains situated parallel to the coast until its intersection with the 141st degree of longitude west of Greenwich, subject to the condition that if such line should anywhere exceed the distance of 10 marine leagues from the ocean, then the boundary between the Russian and the British territory should be formed by a la line parallel to the sinuosities of the coast and distant therefrom not more than 10 marine leagues, was it the intention and meaning of said Convention of 1825 that there should remain in the exclusive possession of Russia a continuous fringe or strip of coast on the mainland, not exceeding 10 marine leagues in width, separating the British possessions from the bays, ports, inlets, havens, and waters of the ocean, and extending from the said point on the 56th degree of latitude north to a point where such line of demarcation should intersect the 141st degree of longitude west of the meridian of Greenwich? || 6. If the foregoing question should be answered in the negative, and in the event of the summit of such mountains proving to be in places more than 10 marine leagues from the coast, should the width of the *lisière*

which was to belong to Russia be measured (1) from the mainland coast of the ocean, strictly so-called, along a line perpendicular thereto, or (2) was it the intention and meaning of the said Convention that where the mainland coast is indented by deep inlets forming part of the territorial waters of Russia, the width of the *lisière* was to be measured (*a*) from the line of the general direction of the mainland coast, or (*b*) from the line separating the waters of the ocean from the territorial waters of Russia, or, (*c*) from the heads of the aforesaid inlets? || 7. What, if any exist, are the mountains referred to as situated parallel to the coast, which mountains, when within 10 marine leagues from the coast, are declared to form the eastern boundary?" || The Treaty then provides for the meetings of the Tribunal and the rendering of the Award in the following terms: —

Article V.

„The Tribunal shall assemble, for their first meeting, at London as soon as practicable after receiving their commissions, and shall themselves fix the times and places of all subsequent meetings. || The decision of the Tribunal shall be made as soon as possible after the conclusion of Arguments in the Case, and within three months thereafter . . . . . . The decision shall be made in writing, and dated, and shall be signed by the members of the Tribunal assenting to the same. It shall be signed in duplicate, one copy whereof shall be given to the Agent of the United States of America for his Government, and the other to the Agent of His Britannic Majesty for his Government.

Article VI.

„Should there be, unfortunately, a failure by a majority of the Tribunal to agree upon any of the points submitted for their decision, it shall be their duty to so report in writing to the respective Governments through their respective Agents. Should there be an agreement by a majority upon a part of the questions submitted, it shall be their duty to sign and report their decision upon the points of such agreement in the manner hereinbefore prescribed." || As I have already said, these two last Articles do not provide for any expression of opinion by those members of the Tribunal who have the misfortune to find themselves in the minority. || The questions to be answered by the Tribunal are seven in number. I will now take them in the order of the Treaty: —

1st Question.

„What is intended as the point of commencement of the line?" || The answer to this question is as follows: — || „The Tribunal unanimously

agrees that the point of commencement of the line is Cape Muzon.“ || The Representatives of both Governments having agreed to accept Cape Muzon as the southernmost point of Prince of Wales Island, and to take it as the point of commencement of the line, nothing further need be said on this first question.

2nd Question.

„What channel is the Portland Channel? || The following is the answer of the Commission to this question: — || „The Tribunal unanimously agrees that the Portland Channel is the channel which runs from about 55° 56′ north latitude, and passes to the north of Pearse and Wales Islands. || A majority of the Tribunal, that is to say, Lord Alverstone, Mr. Root, Mr. Lodge, and Mr. Turner decides that the Portland Channel after passing to the north of Wales Island is the channel between Wales Island and Sitklan Island called Tongass Channel. || The Portland Channel above mentioned is marked throughout its length by a dotted red line from the point marked B to the point marked C on the map, signed in duplicate by the members of the Tribunal at the time of signing their decision.“ || The contention of the United States on this point was that Portland Channel is that body of water which goes seaward between Pearse Island and the peninsula, passes Ramsden Point in (or at the entrance of) Observatory Inlet, and reaches the ocean by the channel between Pearse and Wales Islands on the west and the easterly continental shore, entering the ocean between Point Wales on the west and Point Maskelyne on the east. || The contention of Great Britain was, that it is the channel which enters the ocean between Tongass Island and Kannaghunut Island, leaving Sitklan, Wales and Pearse Islands on the south and east, and extending northerly 82 miles to its head. || The difference between the two contentions will be rendered more striking by saying that the British Portland Channel would run straight from its head to the ocean, whilst the American Portland Channel would divide in two passages at the head of Pearse Island, and there leaving its northern branch would make a curve, and, entering Observatory Inlet, would run down to the sea through that inlet, at the south of Pearse and Wales Islands. || The contention of Great Britain is, to my mind, clearly supported by Vancouver's narrative of his voyage of 1794, when, after relating his movements in these waters, day by day, and specially from the 27th July to the 2nd August, he says: — || „In the morning of the 2nd (August) we set out early, and passed through a labyrinth of small islets and rocks, along the continental shore; this, taking now a winding course to the south-west and west, showed the south-eastern side of the

canal to be much broken, through which was a passage leading S.S.E. towards the ocean. We passed this in the hope of finding a more northern and westerly communication, in which we were not disappointed, as the channel we were then pursuing was soon found to communicate also with the sea, making the land to the south of us one or more islands. From the north-west point of this land, situated in latitude 54° 45$^1/_2$′, longitude 229° 28′, the Pacific was evidently seen between N. 88 W. and S. 81 W.“ || Adding finally (under date 15th August): — || In the forenoon we reached that arm of the sea whose examination had occupied our time from the 27th of the preceding to the 2nd of this month. The distance from its entrance to its source is about 70 miles, which, in honour of the noble family of Bentinck, I named Portland Canal.“ || When this second question was put to the Commissioners, at the time of rendering the Award, every one of them, as will appear by the official Report, answered that Portland Channel was the channel that passed — contrary to the American contention — to the north of Pearse and Wales Islands. || But on a sub-question being put, the majority of the Commission decided that after passing north of Pearse and Wales Islands, it should pass south of Sitklan and Kannaghunut Islands, which lie directly to the westward of Pearse and Wales Islands; should make a courve there, and, abandoning its northern course, should reach the sea through Tongass Passage instead of following the continuous straight line which, a moment before, had been found to be the proper one. || I voted against this sub-proposition, because I found that it was totally unsupported either by argument or authority, and was, moreover, illogical. The Commission had, just a moment before, decided — and very properly, I believe — that Portland Channel, as described by Vancouver, was that channel indicated on all the maps as running straight to the sea; it had refused to accept the contention of the United States to have it leave its northern course, and, making a curve at Pearse Island, to run through Observatory Inlet, and all at once it is decided that this very channel shall make a curve lower down, that it will now leave its straight northern course and run into the sea through Tongass Passage. || I can only say that if this decision is a correct and just one, I am very much afraid that the majority of the Commission has commited an injustice towards the United States in refusing to admit its contention that the channel ought to make that curve a little higher up, at the head of Pearse Island, which solution would appear, to any one having studied the map, a much more sensible and reasonable one than that which has been adopted. || The result of this last decision, on the sub-question above mentioned, is to deprive

Canada of the two islands which lie at the very entrance of Portland Channel, Sitklan, and Kannaghunut Islands. It will strike the eye of everyone who looks at the map that the position of those two islands, at the entrance of the channel, is a most important one from a military point of view, and that the loss of them to Canada may be felt seriously in the future.

3rd Question.

„What course should the line take from the point of commencement to the entrance to Portland Channel?“ || The answer of the majority of the Tribunal to this question is as follows: — || „A majority of the Tribunal, that is to say, Lord Alverstone, Mr. Root, Mr. Lodge, and Mr. Turner decides that the course of the line from the point of commencement to the entrance of Portland Channel is the line marked A B in red on the aforesaid map.“ || The line indicated in this answer is a direct line from Cape Muzon to the south entrance of Tongass Passage. || This being in opposition to the language of the Treaty, which is: „Commencing from the southernmost point of the island called Prince of Island, ... the said line shall ascend to the north along the channel called *Portland Channel*;“ I feel bound to differ from the decision of the majority. *Tongass Passage*, as I have stated, on the previous question, is not *Portland Channel*, and the Treaty says that the line shall be drawn along Portland Channel, but does not say that it can be drawn along Tongass Passage.

4th Question.

„To what point of the 56th parallel is the line to be drawn from the head of the Portland Channel, and what course should it follow between these points?“ || This has been answered as follows: — || „A majority of the Tribunal, that is to say, Lord Alverstone, Mr. Root, Mr. Lodge, and Mr. Turner decides that the point to which the line is to be drawn from the head of Portland Channel is the point on the 56th parallel of latitude marked D on the aforesaid map, and the course which the line should follow is drawn from C to D on the aforesaid map.“ || The decision on this point is not of great importance, as it affects only a few miles of territory. I must say, however, that it is not in accordance with the rule given by the Treaty, which requires that, from this point, the 56th degree of north latitude, „the line of demarcation shall follow the summit of the mountains situated parallel to the coast, ... and that whenever the summit of such mountains . . . . shall prove to be at a distance of more than 10 marine leagues from the ocean, the limit shall be formed by a line parallel to the windings of the coast, and which

shall never exceed the distance of 10 marine leagues therefrom.“ || But, as I have just said, the territory affected by this decision is not of great importance, and the rule adopted by the majority on this point will, I may add, be examined further on, when dealing with Question 7.

5th Question.

„In extending the line of demarcation northward from said point on the parallel of the 56th degree of north latitude, following the coast of the mountains situated parallel to the coast, until its intersection with the 141st degree of longitude west of Greenwich, subject to the condition that if such line should anywhere exceed the distance of 10 marine leagues from the ocean, then the boundary between the British and the Russian territory should be formed by a line parallel to the sinuosities of the coast, and distant therefrom not more than 10 marine leagues, was it the intention and meaning of said Convention of 1825 that there should remain in the exclusive possession of Russia a continuous fringe or strip of coast on the mainland, not exceeding 10 marine leagues in width, separating the British possessions from the bays, ports, inlets, havens, and waters of the ocean, and extending from the said point on the 56th degree of latitude north to a point where such line of demarcation should intersect the 141st degree of longitude west of the meridian of Greenwich?“ || The answer to this question, in the Award rendered by the majority, is in the following terms: — || „A majority of the Tribunal, that is to say, Lord Alverstone, Mr. Root, Mr. Lodge, and Mr. Turner decides that the answer to the above question is in the affirmative.“ || The contention of the United States on this point is therefore accepted as well founded. It follows from this decision that the strip of territory granted to Russsia by the Treaty runs around all the openings of coast, specially Lynn Canal, and thus deprives British possessions of any access to the sea on the whole length of the said *lisière.* || This Treaty of 1825 was signed between England and Russia after very protracted negotiations, which took place during a period extending from November 1821 to February 1825. At the end of a considerable amount of communication and diplomatic correspondence the parties had come to an understanding, and agreed on the terms of a Convention apparently satisfactory to both, and which seemed to contain, if not what each would have liked to have obtained, at least what they had mutually conceded to each other. || It will be useful here to recall briefly the circumstances which led the Governments of Great Britain and Russia to sign this Treaty, and to go back to the negotiations which preceded it, in order to have a fair understanding

of its importance and bearing. || The Emperor of Russia, Paul the First, following the course adopted by all the Governments of Europe from the beginning of 17th century, had, in 1799, granted to an important Company, called the Russian American Company, the monopoly of trade, hunting, and fishing on all the territory claimed by Russia on that part of North America (indicating as the limit the 55th degree of latitude), and also „on the chain of islands extending from Kamtschatka to the north, to America, and southward to Japan." || Great Britain, whose possessions on the North American continent extended as far as those of Russia, had granted a similar monopoly to the Hudson's Bay Company, and in their adventurous explorations, advancing more and more every year in the unknown regions of this vast continent, the trappers of this Company and of the North-west Company had at last met with the agents of the Russian American Company. || Hence there soon arose the necessity of determining the limit of both Empires' territory on this continent. || But another reason also necessitated the attention and action of the Government of Great Britain in this instance. || Emperor Alexander the First, wishing to grant additional favour to the Russian American Company, had published, in 1821, by a Ukase bearing date the 4th September, a regulation prohibiting all foreign vessels from approaching the coasts of this part of the Russian territory within less than 100 Italian miles. || The two great maritime nations, Great Britain and the United States, could not acquiesce in a prohibition so completely antagonistic to the rules of international law and to the interests of commerce. Consequently, representations were made to the Russian Government. || In the course of the negotiations which followed, the question of maritime supremacy over a distance of 100 Italian miles was soon settled, as stated in a despatch of Mr. George Canning to Sir Charles Bagot, bearing date the 15th January, 1824. Mr. Canning clearly and concisely analyses the situation in the following terms: —

„The questions at issue between Great Britain and Russia are short and simple. || The Russian Ukase contains two objectionable pretensions: first, an extravagant assumption of maritime supremacy; second, an unwarranted claim of territorial dominion. || As to the first, the disavowal of Russia is, in substance, all we could desire."

The only thing remaining to be settled, therefore, was the question of the frontier. || Russian establishments at that date were more especially on the islands, and Count Nesselrode acknowledges that on the continent they had none below the 57th degree of latitude. These establishments were therefore the ones whose protection was specially desired and intended, and we will now see that it was in that spirit that the negotiations

which were to end in this Treaty of 1825, were begun and continued. || In order to indicate the true character of these negotiations, a few quotations will be sufficient. || In a despatch dated the 3rd November, 1823, and addressed to Count Nesselrode, M. de Poletica, giving the account of an interview he had had with Sir Charles Bagot, His Britannic Majesty's Ambassador to St. Petersburgh, says: — || „In the midst of this argument the British Ambassador suddenly suspended the discussion in order to tell me that his Government had, after all, no intention of discussing the territorial question according to the abstract principles of public law or of international law; that that would have the effect of rendering the discussion interminable; that the Cabinet of London expected a more satisfactory result, for the two parties interested, from an amicable arrangement which would be based only upon mutual consent, and that his instructions had been drawn up in that spirit. || I replied to Sir Charles Bagot that in the matter in question, so far as I could foresee the views of the Imperial Government, I believed that I could take upon myself boldly to assure him that they were in perfect agreement with those of the Cabinet of London."

The position of both parties is therefore clearly defined by these very plain and very full declarations. || Let us see now what were the claims of Russia as to this strip of territory, which is the subject of the present difficulty. || As I have already said, Russian establishments at that time wer more specially situated on the islands, and the Russian Plenipotentiaries openly declare that it is for the protection of those establishments that they require this strip of territory on the coast of the mainland, coming so far down towards the south, when the principal line of separation between the possessions of the two Empires on this continent was, however, to be placed much higher up. || So we find in the counter-proposition offered by Russia, in answer to a draft of Convention submitted by Sir Charles Bagot in March 1824, the following declaration: — || „The principal motive which forces Russia to insist upon retaining the sovereignty over the strip of land described previously on the mainland from the Portland Canal as far as the point of intersection of the 60th degree of latitude with the 139th degree of longitude is that, if deprived of this territory, the Russian American Company would be left without any means of supporting the establishments, which would thereby be left without any support, and could not have any strength nor solidity.'

A few days later (29th March, 1824), in the document containing the final answer to the British proposition, the Russian Plenipotentiaries, affirming their previous claims, also say: — || „The Emperor instructs his

Plenipotentiaries to declare once again to the Ambassador of England — || That the possession of Prince of Wales Island without a portion of territory *on the coast opposite* this island could not be of any use to Russia. || That any establishment formed on the said islands, or on those around it, would, in some manner, be turned by the English establishments of the mainland, and be completely at the mercy of the latter.“ || On the 5th April following Count Nesselrode, in a despatch to Count Lieven, Russian Ambassador to London, says: — || „In order to avoid intersecting the Prince of Wales Island, which, according to this arrangement, should belong to Russia, we proposed to carry the southern frontier of our domains to the 54th degree 40 minutes of latitude, and to make it strike on the continent the Portland Canal, the mouth of which, on the ocean, lies at the height of Prince of Wales Island, and the head inland between the 55th and 56th degree of latitude. || This proposition only secured to us *a narrow strip on the coast* itself, and left to the English establishments all the space required for their increase and extension.“ || And a little further on he adds: — || „As for us, we restrict our demands to a small strip (*lisière*) of coast on the continent, and in order to dispel all objections whatsoever, we guarantee the free navigation of the rivers, we proclaim the opening of the Port of Novo-Archangelsk.“ || One month later, Count Nesselrode in another despatch to Count Lieven again says: — || „If the principle of reciprocal convenience is advocated, Russia gives up for the progressive extension of the English establishments a vast extent of coast and of territory; she guarantees free markets; she makes provision for the interests of their trade, and, as a compensation for so many offers inspired by the sincerest spirit of conciliation, she reserves for herself only *a point of support*, without which it would not be possible for her to keep one half of her dominions.“

It is unnecessary to multiply these quotations. || Let us see now how — after coming to such an understanding — the final Convention was drafted. || A number of drafts and counter-drafts were exchanged between the Representatives of the two Governments, and it is interesting to note the successive changes made in the wording of those documents as to the strip of territory claimed by Russia. || In the draft of Agreement sent by Mr. George Canning to Sir Charles Bagot on the 12th July, 1824, it is stated, in Article II, that the line „shall be carried along the coast in a direction parallel to its windings, and at or within *the seaward base* of the mountains by which it is bounded.“ || Mr. Canning, in his letter inclosing this draft, uses the following expressions: „thence following the sinuosities of the coast, along the base of *the mountains nearest to the sea.*“ || Ar-

ticle III of this draft then mentioned a width — to be determined upon — which this strip of land could not exceed. || This proposal was not accepted, and Count Nesselrode sent to Count Lieven a counter-draft, the terms of which, with regard to the *lisière*, he himself analyzes in the following terms: „Our counter-draft carries our boundary from the 51st degree of north latitude to 54° 40′. It leaves the establishments which the English Companies may form hereafter on the north-west coast all the territory situated to the south of Portland Channel. It abolishes the establishment of the mountains as the boundary of the strip of mainland which Russia would possess on the American continent, and limits the width of this strip to 10 marine leagues, in accordance with the wishes of England." || In a letter addressed to Mr. Stratford Canning, dated the 8th December, 1824, Mr. George Canning replied to Count Nesselrode's proposal as fallows: — || „The Russian Plenipotentiaries propose to withdraw entirely the limit of the *lisière* on the coast which they were themselves the first to propose, viz., the summit of the mountains which run parallel to the coast, and which appear, according to the map, to follow all its sinuosities, and to substitute generally that which we only suggested as a corrective of their first proposition. || We cannot agree to this change. It is quite obvious the boundary of mountains, where they exist, is the most natural and effectual boundary. The inconvenience against which we wished to guard was that which you know to have existed on the other side of the American continent, when mountains laid down in a map as in a certain given position, and assumed, in faith of the accuracy of the map, as a boundary between the possessions of England and the United States, turned out to be quite differently situated, a discovery which has given rise to the most perplexing discussions. Should the maps be no more accurate as to the western than as to the eastern mountains, we might be assigning to Russia immense tracts of inland territory, *where we only intended to give, and she only intended to ask*, a *strip of the sea coast* . . . || „Where the mountains are the boundary, we are content to take the *summit* instead of the seaward base as the line of demarcation."

Article III of the draft of Treaty sent with this letter by Mr. George Canning to Mr. Stratford Canning, says: „Provided, nevertheless, that if the summit of the aforesaid mountains shall turn out to be, in any part of their range, at more than the distance of 10 marine leagues *from the Pacifick*, then that, *for that space*, the line of demarcation shall be a line of parallel to the coast and its windings," &c. || This draft having been submitted to M. Matusevich — an official of the Russian Office, and

afterwards Ambassador Extraordinary — was slightly changed. Thus, in Article IV, instead of maintaining the expression *„the Pacifick,“* he says: „That where-ever the distance between the crest of the mountains and *the sea* shall be more than 10 marine leagues, the boundary of this same strip shall be formed by a line parallel to the sinuosities of the coast, and which shall nowhere be more than 10 marine leagues from *the sea.*“ || Was it M. Matusevich's intention, in substituting this word *sea*, to the word *Pacifick* which had been used by Mr. Canning, to weaken the force and bearing of the expression chosen by him? It is impossible to know; but one thing is certain, however, and it is that if such was his intention it was not realized, the Treaty in its definite form using the word *„ocean,“* which, in this instance, is the equivalent of the expression used by Mr. Canning. || Thus the second paragraph of Article IV of the Treaty of 1825 provides: — || „Que partout où la crête des montagnes qui s'étendent dans une direction parallèle à la côte, depuis le 56e degré de latitude nord au point d'intersection du 141e degré de longitude ouest, se trouverait à la distance de plus de 10 lieues marines *de l'océan*, la limite entre les possessions Britanniques et la lisière de côte mentionnée ci-dessus comme devant appartenir à la Russie, sera formée par une ligne parallèle aux sinuosités de la côte et qui ne pourra jamais en être éloignée que de 10 lieues marines.“

It is a well-known rule in the interpretation of contracts that one of the safest modes of arriving at the true intention of the parties is to take into consideration the circumstances which have led to the settlement, to study the claims which each party pressed upon the other, and to ascertain the end which it would have wished to secure. || Now, if I apply this rule to the Treaty of 1825, it seems to me impossible to arrive at the conclusion that the intention of the parties to this Treaty was that this strip of territory should be traced so as to run up to the source of all the rivers, and to the head of all the inlets, which passed through this strip to reach the sea. || This, however, is the meaning which a majority of the Tribunal has given to this Treaty when by an interpretation of the word *coast*, which appears to me to be forced and untenable under the circumstances, they are led to say that Lynn Canal is the ocean, and that the coast of the ocean means equally the coast of Lynn Canal! || I cannot accept this interpretation. My humble opinion, after having maturely considered the documents from which I have taken the quotations made above, is that those who prepared and drafted this Treaty of 1825 never contemplated such a result. Consequently, leaving aside the learned distinctions which were pressed upon us as to the meaning of the word

coast, to retain only what I believe was the intention of the parties, I still say that even if we were to consider Lynn Canal as an arm of the sea, or even as an inland sea, the coast of Lynn Canal could not, even then, be considered the coast of the ocean! || There is, in my country, one of the largest rivers of the world, and I have often heard it said by some of my compatriots, when contemplating with pride the immense sheet of water at its mouth: „Why, but this is the sea!" || However, it has not yet entered the mind of any one to say: „This is the ocean!" || It has been reserved for Lynn Canal to be raised to that dignity!

6th Question.

„If the foregoing question should be answered in the negative, and in the event of the summit of such mountains proving to be in places more than 10 marine leagues from the coast, should the width of the *lisière* which was to belong to Russia be measured — (1) from the mainland coast of the ocean, strictly so-called, along a line perpendicular thereto, or (2) was it the intention and meaning of the said Convention that where the mainland coast is indented by deep inlets forming part of the territorial waters of Russia, the width of the *lisière* was to be measured (*a*) from the line of the general direction of the mainland coast, or (*b*) from the line separating the waters of the ocean from the territorial waters of Russia, or (*c*) from the heads of the aforesaid inlets?" || The majority of the Tribunal declares that: — || „Question 5 having been answered in the affirmative, Question 6 requires no answer." || The opinion of the members of the Tribunal on this question, moreover, is made apparent from the views expressed on the other question, and it would be useless to add anything more.

7th Question.

„What, if any exist, are the mountains referred to as situated parallel to the coast, which mountains when within 10 marine leagues from the coast, are declared to form the eastern boundary?" || Answer: — || „A majority of the Tribunal, that is to say, Lord Alverstone, Mr. Root, Mr. Lodge, and Mr. Turner, decides that the mountains marked S on the aforesaid map, are the mountains referred to as situated parallel to the coast, where such mountains marked S are situated. || Between the point marked P (mountain marked S 8000) on the north and the point marked T (mountain marked S 7950), in the absence of further survey the evidence is not sufficient to enable the Tribunal to say which are the mountains parallel to the coast within the meaning of the Treaty." || Article III of the Treaty of 1825, after declaring that the line of demarcation shall

ascend to the north along the channel called Portland Channel, as far as the point of the continent where it strikes the 56th degree of north latitude, adds: — || „From this last-mentioned point the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude.“ || Article IV, § 2, then provides: — || „That whenever the summit of the mountains which extend in a direction parallel to the coast, from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude, shall prove to be at the distance of more than 10 marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia, as above mentioned, shall be formed by a line parallel to the windings of the coast, and which shall never exceed the distance of 10 marine leagues therefrom. || The contention of the United States, on this point, is stated in the following words, on p. 206 of the Case: — || „The United States request the Tribunal to answer and decide that such mountains (as mentioned in question 7) do not exist within 10 marine leagues from the coast.“ || This, however, cannot be said to express correctly what was argued before the Tribunal on this question. It would perhaps be safer to say that the real contention of the United States, on this point, was that in the intention of the negotiators of the Treaty the line was to follow a chain of mountains, and that there being no such chain, the line was to be drawn at a uniform and regular distance of 35 miles from the coast. || It was also suggested, in the argument, that the word *crest* carries with it the indication of a continuous chain or range of mountains, and that this does not exist within the limit of the 10 leagues. || The British contention was that mountains answering the description of the Treaty do exist. || The evidence on this point clearly establishes the contention of Great Britain. || Mr. King, chief astronomer of the Department of the Interior, at Ottawa, in his Affidavit (p. 307, British Case Appendix), says: — || „Throughout its entire length, from the 56th parallel to Lynn Canal, the coast is bordered by mountains 3000 to 5000 feet in height, having rocky peaks and ridges. Their summits average 5 or 6 miles in distance from the sea, and in many places they approach even nearer. These mountains preserve for considerable distances much uniformity of height, and also of direction, forming elongated mountain masses lying with their lengths parallel to the general line of the coast. Penetrating inlets and valleys separate these mountain masses from one another, but without greatly disturbing their continuity of direction.“ || And on p. 308: — || „Hence a line following mountain summits parallel to the

general line of the mainland is possible, subject only to the breaks caused by inlets and river valleys, which breaks are comparatively short compared with the lengths of the continuous lines of the monutain summits."

The decision of the Tribunal, on this point, is adverse to the contention of the United States; it acknowledges that the Treaty does not call for a continuous chain of mountains, and that those mountains which exist along the coast, answer the requirements of the Treaty for the tracing of the line-frontier. || I entirely concur in the foregoing part of the decision of the Tribunal on this question, but I stop there, and cannot follow the majority in the adoption of its system for the demarcation of the line. || The Treaty of 1825 clearly indicates, in my opinion, that the mountains which were to constitute the boundary-line, were those *nearest to the coast.* In fact, when the Treaty says: „the summit of the mountains situate parallel to the coast," it evidently points to the mountains on the coast, those which are situated on the border of the coast, and if we were to suppose two chains of mountains, one parallel to the other, the one which would lie the farthest from the coast would not be situated parallel to the coast, but it would be situated parallel to the other chain of mountains. Therefore, the first range of mountains, the one nearest to the coast, is the one which is alone indicated by the Treaty. This, to me, seems unanswerable. || But a few quotations from the opinions of those who have negotiated this Treaty, will render the point still more evident. || Mr. George Canning, in a despatch to Sir Charles Bagot, dated the 12th July, 1824, says: — || „His Majesty's Government have resolved to authorize your Excellency to consent to include the south points of Prince of Wales Island within the Russian frontiers, and to take as the line of demarcation a line drawn from the southernmost point of Prince of Wales Island from south to north through Portland Channel, till it strikes the mainland in latitude 56, thence following the sinuosities of the coast, along the base of the *mountains nearest the sea* to Mount Elias . . . ."

Count Lieven, in a Memorandum which he prepared on the Northwest Coast Convention (24th July, 1824), says: — || „In the case now under consideration, the word *base*, by the indefinite meaning which it presents, and the greater or less extension which can be given to it, would appear hardly suitable to secure the delimitation against subsequent disputes, for it would not be impossible, in view of the little exactness of the geographical ideas which we as yet possess as to these regions, *that the mountains designated as the boundary should extend,* by an insensible slope, *down to the very border of the coast.*"

In his despatch to Count Lieven, bearing date the 20th February, 1825, Count Nesselrode again mentions „the natural frontier formed by *the mountains bordering on the coast.*“ || There is, therefore, no doubt in my mind that the mountains indicated by the Treaty are those situated nearest to the coast. || Nevertheless, instead of following the evident meaning of the Treaty, the majority of the Tribunal has adopted a line which, at a number of points of its course, rests on mountains which lie far from the coast, and are separated from it by nearer ones, which ought consequently to have been chosen in their stead, as the points of demarcation of the line. || I found it impossible, under such circumstances, to concur in this arbitrary determination of a line which, although it does not concede all the territory they claimed to the United States, nevertheless deprives Canada of the greater part of that to which she was entitled. L. A. Jetté.

Nr. 13232. **VEREINIGTE STAATEN.** — Meinung der amerikanischen Bevollmächtigten.

Opinion on Second Question.

October 20, 1903.

Question number two of the Convention, „What is the Portland Channel?“ has presented such peculiar difficulties that the Undersigned feel it necessary to set forth the reasons which have led them to join in the decision rendered by a majority of the Tribunal. || An inlet of great depth, starting just below the 56th parallel, runs down to the head of Pearse Island. At this point the inlet divides, and down to this point of division there is no question of identity and none has ever been seriously raised. From the north-eastern corner of Pearse Island to within five miles of the 56th parallel the identity of this inlet with the Portland Channel, as intended by the negotiators of the Treaty of 1825, is undisputed, but after the division at Pearse Island the question has arisen whether the channel south of Pearse and Wales Islands is the Portland Channel, or whether that which passes to the north of those two islands is entitled to the name. Were we able to rest a decision solely on maps which we know to have been before the negotiators of the Treaty of 1825, the weight of evidence in the opinion of the Undersigned would be in favour of the view that the Portland Channel passed south of Wales and Pearse Islands, with Observatory Inlet entering it on the other side, and so on to the sea. The northern channel as indicated on contemporary maps is narrow and indistinct, so that it is not

easy to believe that any negotiators would have taken it as a clear, well-defined, natural boundary, such as they were seeking to establish in the Treaty of Delimitation. The testimony of maps subsequent to the Treaty is fluctuating, but general opinion seems to have settled down to the belief that the more obvious southern channel was a continuation and part of the Portland Channel, and on many of the later maps we find the channel passing south of Pearse and Wales Islands denominated „Portland Inlet". In determining, however, what should now be called Portland Channel, the question to be decided was that the negotiators meant when they used that term, and in arriving at the intention of the negotiators of the Treaty of 1725, it was not possible to reach it by an inspection of the maps alone. The negotiators undoubtedly intended when they named Portland Channel as the southern boundary of the Russian possessions to refer to that inlet or body of water which Vancouver named Portland Canal, for it was Vancouver who gave the name, as is well known, to this inlet. If Vancouver had left us nothing but maps the Case, although not free from doubt and obscurity, would be comparatively simple. But Vancouver also published in addition to his maps a detailed narrative of all his explorations upon the north-western coast of America. || It was argued very forcibly by the Counsel for the United States that there was no proof that the negotiators had read Vancouver's narrative, but while it is no doubt true that they made no such examination of that narrative as has lately been pursued, it is almost impossible to suppose that men of trained ability seeking to establish a natural boundary in a little-known region should not have read the only book which contained any detailed information as to that portion of the globe with which they were dealing. We know from undoubted evidence that Mr. Pelly, the representative of Hudson Bay Company, who was consulted by Mr. Canning at every stage of the negotiations, had read Vancouver's narrative, or, at least, those portions relating to the part of the coast which was under discussion. It is almost incredible, therefore, that Mr. Canning and Sir Charles Bagot should not also have examined the narrative, and it is equally unlikely that the Russians should have failed to consult the one book which contained a detailed examination of that region, and which had appeared in no less than four editions, two in English and two in French. || It has seemed, therefore, to the Undersigned impossible to exclude the narrative in endeavouring to reach a conclusion as to what the negotiators meant by the Portland Channel. In 1888 Mr. Dall, of the Smithsonian Institution, in a Memorandum sent to Mr. Bayard, said (pp. 104 and 105, United States

Counter-Case): — || „At this point we come across another difficulty, or, rather, one has been suggested very recently. By a careful study of Vancouver's text it is evident that there is on this point a certain discrepancy between his charts and his text. In reading over his whole account of the survey of this inlet and its branches (Vancouver, official English edition, vol. ii, pp. 329, 330, 331, 334—340, and 371), he seems to have varied a little in his notions, but his final treatment of Observatory Inlet extends it to Points Wales and Maskelyne, while in another place he seems to regard it as beginning at Point Ramsden (*cf.* op. cit. 2, p. 375). On the other hand, he treats Portland Inlet as continuing to the sea behind Wales and Pearse Islands. So that, if the Treaty is to be tried by Vancouver's text, it will result in giving to Great Britain the abovementioned islands and some other small ones."

Mr. Dall there points out for the first time the discrepancy which appeared to exist between the maps and the text of the narrative, or, perhaps, to state it more exactly, the discrepancy between the text and what appeared to be the obvious, though not necessarily the only, meaning of the maps. There is no need here to enter into all the details of Vancouver's narrative, but on page 379 of his narrative he says, under the date of Monday, the 19th August, 1793: — || „A want of wind and a flood tide prevented our weighing until nine the following morning, when with an ebb tide we again proceeded, but did not reach the entrance to Observatory Inlet until two of the morning of the 20th, a distance of not more than thirteen leagues from Salmon Cove. The western point of Observatory Inlet I distinguished by calling it Point Wales." || That is, he called that stretch of water from Salmon Cove, on Observatory Inlet, where his ships had been anchored, to the south-western extremity of Wales Island, a distance of 13 leagues, „Observatory Inlet." This includes, as a glance at the map will show, the channel which passes south of Pearse and Wales Islands. If, therefore, he intended to name that whole stretch of water Observatory Inlet, it is exclusive, and the name of Portland Canal cannot be applied to it. Portland Canal, therefore, must either have stopped at the north-eastern extremity of Pearse Island or must have continued by the channel north of that island to the eastern end of Wales Island. || The question is a very close one, but if we admit the text of the narrative it seems difficult to avoid the conclusion that by „Observatory Inlet" he included all the water from Salmon Cove to the south-western extremity of Wales Island. We also know that he explored the northern channel, occupying himself in that work from the 27th July to the 2nd August. He followed the channel

westerly, passing what has been known as Tongass Passage, between Wales and Sitklan Islands, through which he looked and saw at a short distance the ocean. Desiring, however, to find, if possible, another opening to the ocean which followed the general line of the Continent, he kept on through the narrow passage which passes north of Sitklan and Kannaghunut Islands, and came out into the ocean opposite Cape Fox. Near Cape Fox he encamped. He then explored the waters around Revilla Gigedo Island, and on the 14th August returned to Cape Fox. At dawn the next morning, which in that latitude and in August must have been at a very early hour, he set out to return to his vessels, and he writes that in the forenoon, which must have been some hours after he started from the point opposite the narrow channel out of which he had issued the 2nd August, he passed the mouth of the channel which he had previously explored, and which he named „Portland's Canal, in honour of the noble family of Bentinck.“ || His exact language is as follows: — || „In the forenoon we reached that arm of the sea whose examination had occupied our time from the 27th of the preceding to the 2nd of this month. The distance from its entrance to its source is about 70 miles, which, in honour of the noble family of Bentinck, I named ‚Portland's Canal‘“ (pp. 370—71, Vancouver). || It seems clear from this statement that if he considered, as the other extracts from his narrative already cited seem to prove, the northerly channel as the natural extension of the deep inlet running to the 56th parallel, he must have looked into it through Tongass Passage, and then and there gave it its name. Moreover, it is quite obvious from the maps that there are three outlets for the waters which come through the northern channel and are swelled by those from the inlets about Fillmore Island. Two of them are very small, so small as to be practically impossible to navigate. The third is the Tongass Passage, and that seems beyond a question, on the face of both the maps and the text, to be the true entrance to the channel which passes north of Wales and Pearse Islands. Accepting Vancouver's narrative as having the greatest weight, the conclusion follows that the award of the Tribunal must be that the Portland Channel intended by the makers of the Treaty of 1825 was that body of water which entered the sea by the Tongass Passage and passed thence north of Wales and Pearse Islands, and so onward to the immediate neighbourhood of the 56th parallel.

Elihu Root.
Henry Cabot Lodge.
George Turner.

Opinion on Fifth Question.

The following statement presents in brief the chief considerations which have led the Undersigned Members of the Alaskan Boundary Tribunal to the conclusion that the Fifth Question submitted under the Treaty of the 24th January, 1903, should be answered in the affirmative. || The question calls for a construction of the Treaty between Great Britain and Russia signed the 16th (28th) February, 1825, agreeing upon a boundary-line between Alaska and British Columbia. The particular provisions which undertake to describe the boundary line are in these words: — || „III. The line of demarcation between the possessions of the High Contracting Parties, upon the coast of the continent, and the islands of America to the north-west, shall be drawn in the manner following: — || „Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54° 40′ north latitude, and between the 131st and the 133rd degrees of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called Portland Channel, as far as the point of the continent where it strikes the 56th degree of north latitude; from this last-mentioned point, the line of demarcation shall follow the summit of the mountains (‚la crête des montagnes‘) situated parallel to the coast, as far as the point of intersection of the 141st degree of west longitude (of the same meridian); and, finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen Ocean, shall form the limit between the Russian and British possessions on the continent of America to the north-west. || IV. With reference to the line of demarcation laid down in the preceding Article, it is understood: || First. That the island called Prince of Wales Island shall belong wholly to Russia. || Second. That whenever the summit of the mountains (‚la crête des montagnes‘) which extend in a direction parallel to the coast, from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude, shall prove to be at the distance of more than 10 marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia, as above mentioned, shall be formed by a line parallel to the windings of the coast, and which shall never exceed the distance of 10 marine leagues therefrom.“ || Portland Channel begins on the full ocean, at a point very near latitude 54° 40′, and ascends for about 70 miles, in a general direction slightly east of north, to a point which is, in fact, about 5 miles from the 56th parallel. || The Fourth Question relates to

the course of the line through this intervening space. || The Tribunal has agreed that as the intervening distance is not more than would naturally be covered in climbing from the sea level to the summit of the high mountains which were known in 1825 to exist, and which do in fact exist, at the head of the Portland Channel, the simple and obvious way to give effect to the intent of the Treaty is to take the shortest route from the water to the summit of the mountain, which is in plain sight from the water; and this course brings us to the 56th parallel, upon a mountain ridge over 5,000 feet in height, the foot of which is washed by the waters of Portland Channel. || The Fifth Question relates to the course of the line northward from that point. It is in the following words: — || „In extending the line of demarcation northward from said point on the parallel of the 56th degree of north latitude, following the crest of the mountains situated parallel to the coast until its intersection with the 141st degree of longitude west of Greenwich, subject to the condition that if such line should anywhere exceed the distance of 10 marine leagues from the ocean, then the boundary between the British and Russian territory should be formed by a line parallel to the sinuosities of the coast, and distant therefrom not more than 10 marine leagues, was it the intention and meaning of said Convention of 1825 that there should remain in the exclusive possession of Russia a continuous fringe or strip of coast on the mainland, not exceeding 10 marine leagues in width, separating the British possessions from the bays, ports, inlets, havens, and waters of the ocean, and extending from the said point on the 56th degree of latitude north to a point where such line of demarcation should intersect the 141st degree of longitude west of the meridian of Greenwich?“

The main practical effect of the answer will be to determine whether the line was to run around the heads of the inlets, leaving them in Russian territory, or was to cut across the inlets, leaving their heads in British territory. || We are of the opinion that the true construction of the Treaty is that which carries the line around the heads of the inlets, and that the following considerations all require the adoption of this construction: — || 1. The purpose of the Treaty, well understood by the negotiators, would be accomplished by this construction, and would be defeated by the other construction. || 2. The natural and ordinary meaning of the terms used in the Treaty, when applied to the natural features of the country known to the negotiators, or supposed by them to exist, requires this construction. || 3. The meaning expressly given to the words used in the Treaty by the negotiators, in their written communications

during the course of the negotiations requires this construction. || 4. The official maps published by Russia, Great Britain, Canada, British Columbia, and the United States — many in number — for a period of more than sixty years after the Treaty, known to the public officers of the different Governments, and accepted as the basis of official action, without a single exception carried the line around the heads of all the inlets, and were wholly irreconcilable with the other construction. || During all that period the cartographers of England, France, Germany, Russia Spain, the United States, and Canada were permitted to represent the line in the same way, without any question or suggestion to the contrary, so that it was permitted to become part of the common understanding of mankind that the region now in dispute was Russian and not British territory. And the United States were permitted to purchase the territory, forty-two years after the Treaty, with this understanding. || These things show a practical interpretation of the Treaty. || 5. For more than sixty years after the Treaty, Russia, and in succession to her the United States, occupied, possessed, and governed the territory around the heads of the inlets without any protest or objection, while Great Britain never exercised the rights or performed the duties of sovereignty there, or attempted to do so, or suggested that she considered herself entitled to do so. || This was a practical interpretation of the Treaty by all parties concerned. || The purpose of the Treaty is not open to doubt and was, in substance, conceded upon the arguments before the Tribunal. || Both Russia and Great Britain had chartered great fur-trading Companies. On the one hand, the Russian-American Company had extended its establishments from the west up the chain of Aleutian Islands, and down the north-west coast of America as far as the 57th parallel, where it had a post at New Archangel, or Sitka, on Baranof Island. On the other hand, the Hudson's Bay Company, crossing the Rocky Mountains from the east, had pushed its posts west to the Mackenzie River and the upper waters of the Fraser River, to within about 100 miles of the coast at about latitude 55° or 56°. It was evident that before very long the agents of these two Companies would meet and dispute the control of the same hunting-grounds and of trade with the same native tribes. || By a Ukase dated the 8th July, 1799, Russia had granted to the Russian-American Company the exclusive right to hunt and trade upon the coast as far south as the 55th parallel; and by a Ukase dated the 4th September, 1821, Russia had undertaken to protect the Russian Company by prohibiting all foreign vessels not only to land on the coasts and islands which were declared to belong to Russia as far south as lati-

tude 51 degrees, but also to approach the coast within less than 100 miles. || Great Britain protested against this assumption of exclusive jurisdiction over the Pacific Ocean, and incidentally to the settlement of that question, the two nations undertook to delimit their respective territorial possessions in that part of the world. || Russia based her claims upon occupation and trade by the Russian-American Company: Great Britain based her claims upon occupation and trade by the Hudson's Bay Company. || Both parties soon agreed to drop the discussion of strict right, and to make such a settlement as should be for their mutual convenience and interest. Proceeding upon this ground, the British negotiators proposed to confine Russia to the continent west of the Lynn Canal, and the islands in the immediate neighbourhood of the post at Sitka. Russia, upon the other hand, insisted that it was necessary for the protection of her trade, of which the post at Sitka was the centre, to have a substantial strip or *lisière* of territory upon the mainland, opposite the islands, and extending as far south as the Portland Canal. To this contention Great Britain yielded, and the line now under consideration was designed to give to Russia a strip or *lisière* on the mainland which would afford to the Russian-American Company the protection desired.

The purpose of the *lisière* was stated by the Russian negotiators to be — || „the establishment of a barrier at which would be stopped once for all to the north as to the west of the coast allotted to our American Company the encroachments of the English agents of the amalgamated Hudson Bay and North-west English Company, whom a more intimate acquaintance with the country traversed by the Makenzie River might easily bring, in the course of time, into the neighbourhood of our establishments.“ (B.C., App., p. 53.) || It is more fully stated in the observations of the Russian Plenipotentiaries upon the proposal of Sir Charles Bagot in February 1824 to assign to Russia a strip with the uniform width of 10 marine leagues from the shore, limited on the south by a line between 30 and 40 miles north from the northern end of the Portland Canal. They then said: — || „The motive which caused the adoption of the principle of mutual expediency to be proposed, and the most important advantage of this principle is to prevent the respective establishments on the north-west coast from injuring each other and entering into collision. || The English establishments of the Hudson's Bay and North-west Companies have a tendency to advance westward along the 53° and 54° of north latitude. || The Russian establishments of the American Company have a tendency to descend southward toward the fifty-fifth parallel and beyond, for it should be noted that, if the American

Company has not yet made permanent establishments on the mathematical line of the 55th degree, it is nevertheless true that, by virtue of its privilege of 1799, against which privilege no Power has ever protested, it is exploiting the hunting and the fishing in these regions, and that it regularly occupies the islands and the neighbouring coasts during the season, which allows it to send its hunters and fishermen there. || It was, then, to the mutual advantage of the two Empires to assign just limits to this advance on both sides, which, in time, could not fail to cause most unfortunate complications. || It was also to their mutual advantage to fix these limits according to natural partitions, which always constitute the most distinct and certain frontiers. || For these reasons the Plenipotentiaries of Russia have proposed as limits upon the coast of the continent, to the south, Portland Channel, the head of which lies about („par") the fifty-sixth degree of north latitude, and to the east the chain of mountains which follows at a very short distance the sinuosities of the coast." (U.S.C., App. p. 161.) || The reply of Sir Charles Bagot was that the line proposed by him would secure the advantage desired by Russia. He said: — || „Any argument founded on the consideration of practical advantage to Russia could not fail to have the greatest weight, and the Plenipotentiary of His Britannic Majesty did not hesitate to give up, in consequence of this observation of the Russian Plenopotentiaries, the line of demarcation which he had first proposed . . . and to offer another which would secure to Russia not only a strip on the continent opposite the southernmost establishment which she possesses on the islands, but also the possession of all the islands and waters in its vicinity, or which are situated between that establishment and the mainland („terre ferme"), in short, possession of all that could in future be of any service either to its stability or its prosperity." (U.S.C., App., p. 163.) || And he then proposed to include the Prince of Wales Island within the Russian line. But Russia insisted upon having her *lisière* run to the Portland Canal, saying — || „That the possession of Prince of Wales Island, without a slice (portion) of territory upon the coast situated in front of that island, could be of no utility whatever to Russia. That any establishment formed upon said island, or upon the surrounding islands, would find itself, as it were, flanked („tourné") by the English establishments on the mainland, and completely at the mercy of these latter." (U.S.C., App., p. 164.)

England finally yielded to the Russian demand that the *lisière* should extend to the Portland Canal. || It was thus the intent of the Treaty makers to provide for a strip of Russian territory on the mainland which

would protect the trade of the Russian-American Company, from its central post at Sitka, against the competition of the Hudson's Bay traders, coming from the east. To ascertain what kind of a barrier was intended to furnish that protection, it is necessary only to inquire what the trade was. It was a trade with the Indian tribes who lived around the heads of the inlets, and the subject-matter of the trade consisted of the skins of the fur-bearing animals taken in and about the inlets and the streams flowing into them. It is quite incredible that for the purpose of protecting that Russian trade against competition of the Hudson's Bay Company the Treaty makers intended to draw a line which would throw all the natives with whom the trade was conducted, and substantially all the territory which produced the material of the trade, into the Hudson's Bay territory. Instead of a protection to Russian trade with the mainland, that would have been a complete abandonment of it. Instead of excluding the Hudson's Bay agents from those parts of the coast which were frequented by the Russian hunters and fishermen, it would have excluded the Russians, and given a monopoly to the Hudson's Bay Company. The line proposed by Great Britain cuts across some sixteen bays and inlets, leaving upon the Russian side substantially nothing but rocky and inaccessible promontories, and on the British side, including substantially all the harbours, anchorages, habitable shores, river mouths, avenues of access to the interior, hunting grounds and native tribes. It is plain that such a strip of territory, part land and part water, would have furnished no protection to Russian trade, would have interposed no barrier to the extension of Hudson's Bay posts as far as, in the nature of things, they could come, would have completely failed to furnish the natural boundary which both parties intended, and would not, in any respect, have answered the avowed purpose of the *lisière* intended by the Treaty. || We are not at liberty to ascribe a meaning to the terms of a Treaty which would frustrate the known and proved purpose of the instrument, unless the words used in the instrument are such as to permit no other construction. Whoever asserts a construction which would produce such a result must show not merely that it is a possible construction, but that it is a necessary construction, and that any other is impossible. || The most important and determining question in construing the words of the Treaty is the question: in what sense did the Treaty makers use the words „coast" and „sinuosities of the coast"? The primary boundary provided for in Article III was to be „the crest of the mountains situated parallel to the coast". And, by Article IV, when that crest proves to be at the distance of more than 10 marine

leagues from the ocean, the boundary is to be formed by „a line parallel to the sinuosities of the coast, and which shall never exceed the distance of 10 marine leagues therefrom". || In what sense did the Treaty makers use the word „coast"? || Counsel for Great Britain contend that since the 10-marine-league line measured from the coast was to be applied only when the mountains proved more than 10 marine leagues from the ocean, the words „coast" and „ocean" must be deemed correlative, and the coast intended must be taken to be the line where land and ocean, properly so called, meet; and they say that the word „ocean" cannot be taken to describe the waters of long and narrow inlets, or fiords, like the Lynn Canal and the Taku Inlet, less than 6 miles in width, but must be taken to mean the great body of water which puts a limit to territorial jurisdiction, and they infer that the coast which is coterminous with the ocean must be the line upon one side of which is the mainland, including its territorial waters, and on the other the full ocean, excluding territorial waters. In other words, the general line or trend of the mainland coast, cutting across the mouths of inlets. || It is, however, impossible to give this meaning to the word „ocean", as used in this Treaty, because there stretches along the coast for 300 miles — from Cape Spencer down to the Portland Canal, and covering a space from 80 to 100 miles wide — an archipelago of islands, separated from each other and from the mainland by a multitude of narrow and tortuous passages, which do not at all answer to this meaning of the word „ocean". If this were the meaning of the word as used in the Treaty, the coast line would be outside of the islands, and a line drawn at 10 marine leagues from that coast would give to Russia no territory whatever upon the mainland. It is only by assigning to the word „ocean" an entirely different meaning, and making it include the narrow passages — which are no more and no less ocean than the inlets — that the Treaty can be made to provide any *lisière* upon the mainland. In this sense, which is necessary to effect the purpose of the Treaty, „ocean" means the salt water that washes the shore of the mainland, and „coast" means the line where the mainland meets the salt water, however narrow may be the passage, and however distant from the broad expanse of full ocean. || It is further to be observed that the contention of Great Britain completely ignores the provision that the 10-marine-league line, whenever drawn, is to be parallel to the sinuosities of the coast („parallèle aux sinuositiés de la côte"). The general trend of a coast takes no account of sinuosities. The two terms are directly opposed. The meaning of „general trend" is that sinuosities are ignored,

and the meaning of „following the sinuosities" is that the general trend is departed from whenever the line where the land and water meet departs from it. Counsel for Great Britain were asked upon the argument to lay down on a map a line from which they contended that the 10 marine leagues were to be measured. The line which they presented took no account whatever of the sinuosities of the coast. According to their contention, precisely the same course was followed that would have been followed if those words had been omitted from the Treaty. We are not at liberty to omit them, or to refuse to give them effect. The only real effect they can have is to carry the line around the bays and inlets.

If we turn to the maps which were before the negotiators, and with reference to which they used the words of the Treaty, and seek to learn their meaning of the word „coast" by ascertaining what were the mountains which they describe as parallel to the coast, we reach the same result. We know that they had befor them, and consulted, Vancouver's chart No. 7 (British Atlas, No. 2); Vancouver's chart N. 12 (British Atlas, No. 3); the Russian Official Map of 1802 (British Atlas, No. 5); Faden's Map of 1823 (British Atlas, No. 10), this last being specially relied upon by the British negotiators. Upon every one of these maps there appears a distinct and well-defined chain or ridge of mountains, running from near the head of the Portland Canal, and northerly along the coast, and in general parallel thereto, and furnishing the means of defining a line of natural boundary as distinctly as the mountain chains which constitute boundaries between countries in other parts of the world, such as the Pyrenees between France and Spain and the Andes between Chile and Peru. These maps embodied the results both of British and of Russian exploration, and they appear to justify the unquestioning confidence of the negotiators in the existence of a mountain crest extending generally parallel to the coast, and capable of defining the proposed boundary line. They clearly present a chain or range, and we know from numerous passages in the written communications which passed during the negotiations that the negotiators on both sides had in mind a chain or range of mountains, when they referred to mountains as defining the boundary. Thus the Russian negotiators described the proposed boundary which they had proposed, and which is the one adopted in the Treaty, as „the chain of mountains which follow, at a very small distance, the windings of they coast", and they say that they leave to Great Britain „all the territory situated behind the chain of mountains referred to previously". (B.C., App., pp. 71, 72.) || In July 1824, when Mr. Canning proposed that the line should

run along the base of the mountains, Count Lieven represented to him „that when a chain of mountains is made to serve for the establishment of any boundary whatever, it is always the crest of those mountains that forms the line of demarcation". (B.C., App., pp. 90, 91.) || On the 20th October, 1824, the Hudson's Bay Company, through Mr. Pelly, wrote to the Foreign Office insisting that the eastern boundary from the Portland Canal northerly should be „the chain of mountains at a ‚très petite distance de la côte', but that if the summit of those mountains exceed 10 leagues, the said distance be substituted instead of the mountains", thus accepting and quoting the Russian language above cited. (B.C., App., p. 110.) || At the time of exchanging the Ratifications of the Treaty, the Russian Representative presented a formal expression of dissatisfaction on the part of Russia at Great Britain's insistence upon the alternative or corrective 10-marine-league line, and Mr. Canning replied that under the Treaty of Ghent, between Great Britain and the United States, „which likewise fixed a chain of mountains as the frontier between the possessions of the two States", dispute had arisen because the mountains had been found to deviate from the direction given them on the maps, and he wished to avoid such a dispute. (B.C., App., p. 135.) || When Great Britain finally accepted the Portland Canal line, the Russian Ambassador at London wrote to Count Nesselrode at St. Petersburgh as follows: — || „The proposition of our Court was to make this frontier run along the mountains which follow the windings of the coast to Mount Elias. The English Government fully accepts this line as it is laid off on the maps (‚désignée sur les cartes'); but as it thinks that the maps are defective, and that the mountains which are to serve as a frontier might, by leaving the coast beyond the line designated, inclose a considerable extent of territory, it wishes the line claimed by us to be described with more exactness, so as not to cede, in reality, more than our Court asks and more than England is disposed to grant." (B.C., App., p. 84.) || There can be no doubt that the chain of mountains depicted upon all of these maps as running northerly from the head of the Portland Channel along the coast to Mount St. Elias was the mountain crest described in the Treaty as running parallel to the coast. There are no other mountains on any of the maps which were before the negotiators which answered to the description of the Treaty and of the written negotiations. || That chain of mountains upon all the maps runs around the heads of all the bays and inlets. It is substantially parallel to those sinuosities, and it is not parallel to a line which cuts across the inlets.

The negotiators have themselves, however, furnished an explanation

of their meaning of the word „coast“ which leaves that provision of the Treaty in no possible doubt. The 10-marine-league line was proposed to the Russian negotiators by Sir Charles Bagot as the measure of the width of the *lisière* at the time when he proposed to fix its southern boundary a short distance north of the Portland Canal. He proposed it in these words: — || „Thence extending in the same direction upon the mainland as far as a point 10 marine leagues distant from the coast. From this point the line would follow a northerly and northwesterly direction, parallel to the sinuosities of the coast, and always at a distance of 10 marine leagues from the shore.“ || The coast, to the sinuosities of which the line was to be drawn parallel, was thus explained as being equivalent to the shore („rivage“). (B.C., App., p. 71.) || When Mr. Canning was about to assent to the mountain boundary proposed by Russia, the Hudson's Bay Company, which was consulted at every step of the negotiations by Mr. Canning, understood that the proposed line „parallel to the sinuosities of the coast“ was equivalent to „parallel to the sinuosities of the shore“, for in subsequently advising Mr. Canning upon the Russian proposal, Mr. Pelly says that „those mountains represented in the charts as closely bordering on the sea, and described by the Russians as a „très petite distance“, may really be at a very considerable distance from the coast, and to provide for which case the distance ought to be limited, as Sir Charles Bagot proposed, to a few leagues, say not exceeding ten, from the shores.“ (B.C., App., p. 80.) || When the Russians accepted the 10-marine-league line parallel to the sinuosities of the coast, as proposed by Sir Charles Bagot, as an alternative line to be applied in case the mountain chain proved to run off into the interior, and when they signed the Treaty with the provision for that line, there had never been the slightest intimation that the word „coast“ was used in any other sense than that ascribed to it by Sir Charles Bagot in his original proposal of the line, that is to say, as equivalent to shore. || That the Russians understood that the word „coast“ was used in this sense appears clearly from the fact that while the draft Treaty proposed by Mr. Canning, and inclosed in his letter of the 12th July, 1824, contained the same words that are used in the Treaty, that the line should be „carried along that coast in a direction parallel to its windings“ (B.C., App., p. 87). Count Lieven transmits the draft to Count Nesselrode in a letter which describes this line as running along the base of the mountains which follow the sinuosities of the shore („les sinuosités du rivage“). (B.C., App., pp. 88, 89.) || That the negotiators understood that the shore which they were describing was one a line parallel to which would give Russia

the heads of all the inlets is apparent from Sir Charles Bagot's description of the effect of his offer of the 10-marine-league line, already cited, in which he declares that it would give to Russia all the islands and the waters adjacent or which are to be found between the Russian establishment and the mainland (B.C., App., p. 73), and by the letter of the Hudson's Bay Company to Mr. Canning, in which Mr. Pelly says that he is at a loss to understand „why Great Britain should cede to Russia the exclusive right to the islands and the coast from latitude 54° 40′ northward to Mount Elias" (B.C., App., p. 81). An arrangement under which substantially all the harbours and ports for trade on the coast were retained by Great Britain certainly would not be a cession of exclusive right to the coast. If Great Britain was retaining the most valuable part of the coast it was unknown to the Hudson's Bay Company, upon whose settlements Great Britain based all her claims to territory, which was conducting all the trade that Great Britain was endeavouring to protect, which was most familiar with the country to which the Treaty related, most interested in the result, and which was consulted at every step of the negotiations. If Mr. Canning had considered that such was the effect of the proposed arrangement, a prompt explanation of his advisers' mistake would have followed, and a modification of the terms of the Treaty in such a way as to make it clear that he was not ceding an exclusive right to the whole coast. || In the face of this clear statement by the Hudson's Bay Company of their understanding that the effect of drawing a line either along the mountains or at 10 marine leagues from the shore would be to „cede to Russia the exclusive right to the islands and the coast, from latitude 54° 40′ northward to Mount Elias", the absence of any single word in the Treaty, or any draft of it, or in any of the negotiations, referring in any way whatever to Great Britain's having the heads of the bays and inlets, or the territory about them, has a special significance, and indicates most clearly that no such idea was entertained by the British negotiators.

It is argued by Counsel for Great Britain that Article VII of the Treaty, which gives to the vessels of the two Powers reciprocal rights to frequent the inland seas, gulfs, havens, and creeks on the coast mentioned in Article III, shows that Great Britain was the possessor of inland seas, gulfs, havens, and creeks on the coast along which the *lisière* ran, that is, between latitude 54° 40′ and latitude 60°. The argument is that Article VII applies exclusively to that part of the coast, and it is to be inferred, therefore, that the reciprocal rights which were granted on the part of Great Britain in that Article were rights to inlets, &c.,

which she had under the Treaty in that part of the coast. || But the coast mentioned in Article III is the „coast of the continent". It is true the same Article describes the boundary of the *lisière* as being parallel to the coast, but there is no warrant whatever for limiting the reference of Article VII to anything less than the possessions of the two parties upon the coast of the continent — the entire coast mentioned in Article III. If Great Britain had no other possessions upon the coast of the continent in which she could give reciprocal rights to Russia, there would be some force in the argument, but by the terms of this very Treaty the coast from the head of the Portland Canal to the southern limits of the Russian claims, viz., latitude 51°, was assigned to Great Britain, and upon that stretch of coast, a part of the coast mentioned in Article III, there were numerous gulfs, havens, and creeks. The terms of Article VII are, therefore, entirely satisfied, without assigning the rights granted by Great Britain to any part of the coast north of the head of the Portland Canal. || The view that the grant by Great Britain in Article VII was intended to apply, not to the *lisière*, but to the coast to the south of it, is supported by the fact that by the terms of the Treaty of 1818 between the United States and Great Britain, those countries acknowledged equal rights, each in the other, to the coast south of 54° 40′, and that Article VII of the Treaty now under consideration was taken bodily from the Treaty of the 5th April, 1824, between Russia and the United States, which, in the same words, granted reciprocal rights in the possessions of the two parties on „the north-west coast of America". The provision of the American Treaty could not have been intended to confer upon Russia any rights except below 54° 40′, for America had none. The natural inference from the incorporation of this same provision into the British Treaty would be that it was intended to give Russia the same rights from the co-tenant of the same coast. || A further examination of the history of Article VII leaves no doubt that instead of the grant of rights by Great Britain to Russia in that Article being intended to apply exclusively to the coast of the *lisière*, it was intended to apply exclusively to the coast below the *lisière*; for the first appearance of the Article was in the draft Treaty prepared by Mr. Canning, and inclosed by him in his letter to Sir Charles Bagot of the 12th July, 1824. In that draft Mr. Canning proposed, in Article III, a provision, not that there should be reciprocal rights in regard to the *lisière*, but that Russia should grant to British subjects a perpetual right to navigate and trade along the coast of the *lisière*; while the reciprocal provision for ten years, which now constitutes Article VII, was proposed as Article V of the draft,

„with regard to the other parts of the north-west coast of America“ (B. C., App. p. 87). This was after the American Treaty of 1824, and Article V of Mr. Canning's draft, providing for reciprocal relations in the other parts of the north-west coast, copied the language of the American Treaty. As England had unquestionably no interests in the parts of the north-west coast other than the *lisière*, except south of the *lisière*, the reciprocal provision proposed by Mr. Canning in Article V of his draft applied, so far as it involved a grant of right by Great Britain, solely to the same coast which was affected by the American grant in the Treaty of 1824. || Russia refused to grant to British subjects the perpetual right to trade in the *lisière*, but expressed a willingness to give such a right for ten years, and she carried into the Treaty of 1824, now under consideration, the reciprocal provision which Mr. Canning proposed as to the other parts of the north-west coast, unchanged, except that the words „other parts“ were striken out; so that the reciprocal clause operated not only to accomplish the original effect of a British grant of rights to Russia below the *lisière* for ten years, but also of a Russian grant to British subjects of rights in the *lisière* for ten years. || There is absolutely no ground for claiming that, in broadening the scope of Mr. Canning's original reciprocal provision so that it would include a grant by Russia in the *lisière*, it was intended to exclude the other parts of the coast, to which solely the provision originally applied. || The maps which we have said furnished an interpretation of the Treaty by the parties include —

The Russian Admiralty Chart of 1826 (U. S. Atlas, No. 11); the Russian Admiralty Chart of 1844 (U. S. Atlas, No. 22, British Atlas, No. 15); Atlas sent by Sir J. H. Pelly, the Governor of the Hudson's Bay Company, 13th September, 1849, to Earl Grey, as part of a statement of the rights as to territory, trade, taxation, and government, claimed and exercised by the Hudson's Bay Company, and printed in the Parliamentary Papers of the House of Commons, 11th July, 1850 (U. S. C.-C., p. 253; British Atlas, No. 19); map produced by Sir George Simpson, Governor of the Hudson's Bay territories, before a Select Committee of the House of Commons on the affairs of the Hudson's Bay Company, as showing the territory leased by that Company from the Russian-American Company, and published by order of the House of Commons in 1857 (U. S. C.-C., App., pp. 38, 39; British Atlas, No. 21); British Colonial Office manuscript map of 1831 (British Atlas, No. 13); British Admiralty Chart of 1856, corrected 1861, 1862, and 1864 (U. S. Atlas, No. 23); British Admiralty Chart of 1876 (U. S. Atlas, No. 38); official

map of the Dominion of Canada, showing the extent and situation of its public lands, published by the Canadian Department of the Interior in 1878 (U. S. Atlas, No. 39); map published by the Canadian Department of Railways, 1883 (U. S. Atlas, No. 43; official map of Province of British Columbia published by the Commissioner of Lands and Works, Victoria, 1884 (British Atlas, No. 31); map of the Dominion of Canada, published in 1884 by the Director of the Canadian Geological Survey from surveys made by the Geological Corps, 1842 to 1882 (British Atlas, No. 32); the map published by the United States' Coast Survey in 1867, compiled for the Department of State at the time of the purchase of Alaska by the United States (U. S. Atlas, No. 24). || In all of these maps the boundary line is drawn around the heads of the inlets. It is not contended that this boundary line was an accurate location of the true boundary. In the absence of knowledge as to the mountains, it appears to have been drawn on the 10-marine-league line, measuring from the heads of the bays and inlets. It precludes no one from saying that the occurrence of a mountain crest within 10 marine leagues of the coast would call for a change of the position of the line. But it is manifest that in every case the line was drawn in accordance with the American theory of what constituted the coast, and not in accordance with the theory now maintained by the Counsel for Great Britain as to what constitutes the coast. According to the construction of the Treaty claimed by the British Case, the 10-marine-league line should have been drawn across the Lynn Canal 34½ miles from its mouth. In all those maps it is drawn 90 miles away from that point, 34½ miles above the head of the Lynn Canal. It is not contended that the action of any one of the officials making these maps worked an estoppel against his Government, but the uniform and continuous adoption and promulgation for sixty years, by all these officers, of the view that the line went around the head of the Lynn Canal, without a single map, or paper, or act, or word indicating the existence of any differing view on the part of their Governments, certainly does lead to a strong inference that their Governments understood the Treaty consistently with the maps, and not inconsistently with them. || It would be a strange thing if, six years after the Treaty was made, the British Colonial Office recorded the limits of the British possessions in North-west America inconsistently with the views of the British Government; that for fifty years after the making of this Treaty of 1825, the British Admiralty should issue the charts which constituted the guide for the vessels of the British Navy, putting down upon them the heads of the bays and inlets in Southern Alaska

as being Russian waters, if the British Government regarded them as British waters; that the Government of British Columbia, the Canadian Department of the Interior, Department of Railroads and Geological Survey, should all be mistaken regarding the construction which the British Government put upon this Treaty. It would be a still stranger thing if Mr. Pelly, Governor of the Hudson's Bay Company, who was Mr. Canning's adviser throughout the negotiations of the Treaty, and Sir George Simpson, who was the Resident Governor in America, both at the time the Treaty was made and at the time the Hudson's Bay Company leased the property from the Russian-American Company, were ignorant of the construction put upon the Treaty by the British Government, and, being in charge of the great interests directly affected by that construction, continued the rest of their lives in that ignorance. || It is impossible to resist the conclusion that the construction of the Treaty now contended for by Great Britain is an after—thought, never entertained by any officer of the British Government during the lifetime of the makers of the Treaty, and originated at least sixty years after the Treaty was signed. || The principal feature of Russia's occupation of Alaska was that in 1839 the Russian-American Company, with the express assent of the Russian Government, leased to the Hudson's Bay Company the mainland coast from Cape Spencer to the Portland Canal, and that this lease was renewed from time to time until the American purchase. The terms of the lease were apt to describe the entire coast, and the maps showing the leased territory, which were furnished to the British Government by Sir J. H. Pelly in 1849 and Sir George Simpson in 1857, showed that territory to include the heads of the bays and inlets and all the land surrounding them. It is conceded that the British Government knew of the lease, for it was given in settlement of a claim which the British Government was pressing against the Russian Government, the subject of a diplomatic controversy regarding the construction of the Treaty of 1825. The knowledge of the territory leased is brought home to the British Government by the last-mentioned maps. If the Government of Great Britain considered that the true construction of the Treaty gave to that Government, and therefore to the Hudson's Bay Company, the heads of the inlets and the territory surrounding them, it is quite impossible that, without a word upon that subject, the Hudson's Bay Company should have recognized Russia's title to that very territory by becoming a tenant. || Upon the purchase of Alaska by the United States in 1867, the officers of the United States took formal possession, with appropriate ceremonies, of the territory at the head of

the Lynn Canal, and the officers of the Hudson's Bay Company surrendered the possession which they had theretofore held as tenants of Russia, and departed, leaving the head of the Lynn Canal in the possession of the United States. From that time until the present the United States has retained that possession, and has performed the duties and exercised the powers of sovereignty there. || For certainly more than twenty years after that, there was not a suggestion from the British Government that the possession was not rightful. In the meantime, the Naval and Military officers of the United States governed the Indians who lived at the heads of the inlets; those Indians were included in the United States' Census; order was enforced among them, and their misdeeds were punished by the United States; a public school and mission schools were established at the head of the Lynn Canal, under the auspices of the United States' Government; the land laws of the United States were extended over the territory, and mineral claims were located in the territory now in question; the revenue laws of the United States were extended over the territory, and were enforced in the territory in question; foreign vessels were forbidden to unload at Chilkat, and obeyed this prohibition; a post-office was established at the head of the Lynn Canal; an astronomical station of the United States' Coast Survey was established there; factories for the canning of salmon were erected and operated by American citizens; and all these operations of Government were unaccompanied by any suggestion that the United States was not rightfully there. In the meantime, Great Britain refrained from exercising, or attempting to exercise, any of the functions of Government in the neighbourhood of these inlets. The true condition was stated by the Prime Minister of Canada, in the Canadian Parliament, on the 16th February, 1898, when he said: —

„My honourable friend is aware that, although this is disputed territory, it has been in the possession of the United States ever since they acquired this country from the Russian Government in 1867, and, so far as my information goes, I am not aware that any protest has ever been raised by any Government against the occupation of Dyea and Skaguay by the United States;" || and when, on the 7th March, 1898, he said: — || „The fact remains that, from time immemorial, Dyea was in possession of the Russians, and in 1867 it passed into the hands of the Americans, and it has been held in their hands ever since. Now, I will not recriminate here; this is not the time nor the occasion for doing so, but, so far as I am aware, no protest has ever been entered against the occupation of Dyea by the American authorities, and when the American

authorities are in possession of that strip of territority on the sea which has Dyea as its harbour, succeeding the possession of the Russians from time immemorial, it becomes manifest to everybody that at this moment we cannot dispute their possession, and that, before their possession can be disputed, the question must be determined by a settlement of the question involved in the Treaty.“ || It is manifest that the attempt to dispute that possession to which the Prime Minister refers is met by the practical, effective construction of the Treaty presented by the long-continued acquiescence of Great Britain in the construction which gave the territory to Russia and the United States, and to which the Prime Minister testifies. Only the clearest case of mistake could warrant a change of construction, after so long a period of acquiescence in the former construction, and no such case has been made out before this Tribunal.

(Signed) Elihu Root.
Henry Cabot Lodge.
George Turner.

Aus dem Bericht der kgl. Untersuchungs-kommission über den Südafrikanischen Krieg.*)

Nr. 13233. GROSSBRITANNIEN. — Bericht.

Section I. 9. Juli 1903.

The Military Preparations for the War in South Africa.

8. The Commission are, in the first place, directed to inquire into the „Military Preparations for the War in South Africa". This must be understood as a direction to inquire (a) what military preparations were in fact made; (b) to what extent they were, or were not, made in sufficient time, and were equal to overcoming the opposition which, upon the information which it was then possible to obtain, might reasonably be anticipated. If they were not sufficiently timely and otherwise adequate, it must be further asked who were the authorities responsible, and what defence have they to offer? || 9. A distinction must be made between the preparedness of this country for any war in the year 1899, and the definite preparation made for the event of a war against one or both of the Dutch Republics in South Africa. Into the former question the Commission are not expressly directed to inquire. At the same time the second direction to the Commission, *i. e.*, to inquire into „the supply of men, ammunition, equipment, and transport by „sea and land," indirectly raises the question of preparedness for any considerable war in 1899. The whole military system as it stood at that date was tested by the war in South Africa.

Public Negotiations and Transactions Previously to the War.

10. In considering the question of the preparations made for the war in South Africa it seems to be convenient in the first place to review

*) Blaubuch Cd. 1789. 1903. Red.

concisely the negotiations and transactions which ended in the outbreak of war in the autumm of 1899, as shown in published despatches. || 11. In order to trace this history fully it would be necessary to begin at the date when, in 1881, after the previous Boer War, a qualified independence was granted by Her late Majesty's Government to the inhabitants of the Transvaal territories, and was reluctantly accepted by a dissatisfied Volksraad, who desired a complete independence. It would also be necessary to refer to the modifications made in the „Pretoria Convention“ by the London Convention of 1884, to the expedition which had to be sent in 1885 under Sir Charles Warren to restrict the South African Republic to the frontiers fixed on the west by the Conventions, and to other matters. From a military point of view the situation in South Africa did not become serious until the results of the discovery of the Witwatersrand gold reefs in 1886 began to operate. This discovery led to the foundation of Johannesburg, the extraordinary increase of British population in the Transvaal, the alteration of the franchise laws in the year 1890 with the result of the practical exclusion of that population from a share in political power, and the emergence of numerous questions in which the views and interests of the British population came into collision with those of the Government of the Republic. In the year 1894 the British Government intervened, through Sir Henry Loch, then High Commissioner, on behalf of the British inhabitants, in connection with the claim of the Transvaal Government to commandeer them for service in local native wars. The claim was withdrawn, though not before the possibility of a resort to force had been intimated. || 12. It does not appear to be necessary that the Commission should enter into the details of this previous period, but the year 1895 seems to be a point at which a closer investigation of public events may begin. In that year numerous grievances of the Uitlander population, including interference by the Volksraad with the courts of law in favour of the Government, had been fully developed; it was known that the Transvaal Government had begun to make armaments on a larger scale than before; there were apprehensions, due to speeches of President Kruger, that he was endeavouring to form special relations with foreign powers. In this country a new Government came into power in the summer of 1895, and the Ministers who where responsible for the administration of Colonial and Military affairs down to the time of the war assumed their respective offices. In the same year Field-Marshal Viscount Wolseley was appointed to be Commander-in-Chief for a term of five years, and the departments of the War Office were re-organised under the Order

in Council of 21st November 1895. || 13. In November 1895, the Secretary of State for the Colonies protested against the action of the Government of the South African Republic in closing the drifts across the Vaal River in order to further their railway policy as being contrary to the provisions of the London Convention. In a despatch at the same date to the High Commissioner at the Cape, Mr. Chamberlain stated that when the message to the Republic was once sent, Her Majesty's Government could not „allow the matter to drop until they had obtained compliance with their demands even if it should be necessary to undertake an expedition for that purpose.“ He desired the High Commissioner to inform the Cape Colony Ministers of this, and to inform them also that Her Majesty's Government did not intend that such an expedition should be conducted at the entire cost of the United Kingdom, and to require them to undertake that in the event of an expedition, the Cape Parliament should bear half the gross expense, and that the Local Government should furnish a fair contingent of the fighting force besides giving the full and free use of its railways and rolling stock. The Cape Government gave the assurance required, the despatch was forwarded to Pretoria, and the Government of the South African Republic gave way on the point at issue. This incident illustrates in some degree the view taken of the kind of force which it would be necessary to employ at that time. || 14. The drifts incident was followed in the last days of the year 1895 by the Jameson Raid. This attempt to overthrow by force the existing Government of the Transvaal had consequences which did, perhaps, make the eventual war inevitable. On the one hand it called the attention of the British nation closely to the political situation in South Africa, and, especially in view of certain manifestations of policy in Europe, made it necessary to assert more clearly than before that Great Britain intended to „maintain her position as the paramount power in South Afrika.“ On the other hand the raid immensely increased the suspicions with regard to British intentions in the minds not only of the Transvaal Dutch, but of the Dutch race throughout South Afrika; it gave the Transvaal Government a reason for greatly accelerating the speed at which they were accumulating armaments, and made it less easy for the British Government to protest against such armaments; and it obtained for President Kruger among his own countrymen a far greater support for his repressive policy than he would otherwise have enjoyed.

15. From the time of the Raid the Government of the South African Republic, while continuing to arm, maintained a controversy against Her Majesty's Government of a character which might at any time have

supplied a *casus belli.* President Kruger in a despatch of 25th February 1896 desired the supersession of the Convention of London on the ground that it was „injurious to the dignity of a Free Republic" and because of the injury done by the continued arguments „on the question of suzerainty which since the Convention no longer exists," and desired especially that Article IV. of the Convention should be reconsidered. Mr. Chamberlain in a despatch of 26th March 1896, stated that Her Majesty's Government were not prepared in any way to modify Article IV. of the London Convention. On the 15th and 26th December of the same year he sent two despatches to the Transvaal Government, stating in the first that the new Aliens Immigration Law, imposing restrictions upon free immigration into the Transvaal, infringed the London Convention, and in the second that recent procedure of the Republic with regard to extradition treaties between themselves and Foreign Powers led „to a distinct, though no „doubt an unintentional, breach of the London Convention." By a despatch on 6th March 1897, Mr. Chamberlain required that the Aliens Immigration Act should be revoked. There can be little doubt that a refusal of the Transvaal Government to comply would have led to war, and it will be subsequently shown how serious a view of the crisis was taken by the Imperial Authorities. The Transvaal Government, however, in a reply dated the 7th May 1897, yielded on the point immediately at issue, though not admitting the Aliens Act to be a breach of the London Convention, and suggested the reference of other alleged breaches of the Convention to external Arbitration. || Mr. Chamberlain, in a despatch of 16th October 1897, noted the revocation of the Aliens Immigration Act, maintained that Act to be a breach of the London Convention, and denied the applicability of external arbitration in questions between Her Majesty's Government and the South African Republic, on the ground that the Republic was not an independent State but a ‚State subject to the suzerainty of the British Crown." || 16. The controversy with regard to the use of the term „suzerainty" continued into the year 1899. On the 16th April 1898 the Government of the South African Republic replied in a despatch, received in London on the 29th May, to Mr. Chamberlain's despatch of 16th October 1897. In it they argued that the London Convention of 1884 had brought to an end British suzerainty, and that questions between the Republic and the British Government might therefore be properly submitted to an external arbitration. Mr. Chamberlain, in a reply dated 15th December 1898, maintained the existence of the suzerainty, and the decision not to submit to foreign arbitration questions relating to the Convention, and insisted upon the

observance of Article IV. of the Convention. On the 9th May 1899, shortly before the Bloemfontein Conference, the Government of the Republic addressed a frankly worded reply to Mr. Chamberlain's last mentioned despatch. They maintained that, „inasmuch as the Convention of 1881 was entirely abrogated and superseded by that of 1884, in which alone certain limited and specified rights were guaranteed to Great Britain without there being further mention of any selfgovernment belonging to this Republic, it follows of itself that the now existing right of absolute self-government of this Republic is not derived from either the Convention of 1881 or that of 1884, but simply and solely follows from the inherent right of this Republic as a Sovereign International State.“ Sir Alfred Milner, in transmitting, observed that the assertion that the South African Republic is a „Sovereign International State is contradictory of the position consistently maintained by us, and is, in fact, in the nature of a defiance of Her Majesty's Government.“ This despatch was received in London on the 2nd June. Mr. Chamberlain replied to it in a despatch dated 13th July, 1899, stating that the contention that the South African Republic was a „Sovereign International State was not, in the opinion of Her Majesty's Government, warranted either by law or history, and is wholly inadmissible.“ || 17. Thus two opposite ideas were in the field. The Transvaal Government maintained that the South African Republic was, since the Convention of 1884, a State as independent as Holland or Belgium, though subject to certain treaty obligations, capable of various interpretations, under that Convention, while the British Government held that the Republic was a State to which powers of self-government had been conceded, but which remained indirectly subject to the British Crown as the Paramount Power in South Africa, and that the British Government were therefore entitled to intervene if the internal condition of the Republic should be dangerous to the peace and good order of South Africa. It was obvious that the co-existence of ideas so repugnant might at any time lead to an armed collision. This state of things was the more serious, because during this period the foreign relations of this country were on more than one occasion in risk of disturbance. || 18. The numerous grievances of the British inhabitants of the Transvaal are summed up in a Blue Book published in June 1899. The High Commissioner, Sir Alfred Milner, on the 28th March 1899, transmitted to Mr. Chamberlain a petition signed by over 21 000 British subjects at Johannesburg. In a telegraphic despatch of 4th May 1899, Sir Alfred Milner summed up the position. He stated that the „spectacle of thousands of British subjects, kept permanently in the position of Helots,

constantly chafing under undoubted grievances, and calling vainly to Her Majesty's Government for redress, does steadily undermine the influence and reputation of Great Britain and the respect for the British Government within the Queen's dominions." After referring to the inflammatory doctrines preached by a section of the Press, he stated his view that it was necessary to give some „striking proof of the intention of Her Majesty's Government not to be ousted from its position in South Africa," and that the „best proof alike of its power and its justice would be to obtain for the Uitlanders in the Transvaal a fair share in the Government of the country, which owes everything to their exertions."

19. Mr. Chamberlain, in a despatch of the 10th May 1899, stated the leading grievances of the Uitlanders, and suggested that a conference should take place between the High Commissioner and President Kruger. At the Bloemfontein Conference (31st May to 5th June 1899) Sir Alfred Milner put forward the demand of a five years' residential qualification for the franchise for Uitlanders in the Transvaal, and the negotiations from this date to the outbreak of the war turned upon this point. For the present purpose, which is to consider to what extent immediate and large military preparations for the War were justifiably delayed, it is important to note the following stages in these diplomatic transactions: — || (1) President Kruger, after his return to Pretoria, proposed to the Volksraad a law purporting to admit Uitlanders to full franchise rights after a residence of seven years. This law was passed in July, and on the 31st July Mr. Chamberlain authorised the High Commissioner to propose a joint inquiry by delegates named by the two Governments, as to whether the reform would „give immediate and substantial representation of Uitlanders, and if not, what additions and alterations would be necessary to secure this result." || (2) On the 22nd August 1899, Sir Alfred Milner transmitted to Mr. Chamberlain proposals made by the Transvaal Government in Notes of 19th and 21st August, as alternatives to the joint inquiry proposed by Mr. Chamberlain, viz., that the Transvaal should concede a five years' qualification for franchise and a substantial increase of seats in the Volksraad to the Rand districts, subject to the British Government undertaking not to interfere in future and not to assert the claim to suzerainty. In reply, Mr. Chamberlain sent a despatch dated 28th August 1899, stating that Her Majesty's Government would be ready to substitute an unilateral (British) inquiry for the Joint Commission into the operation of electoral reform proposed by the Transvaal Government to the British Agent on 19th and 21st August, but that they could not agree never to interfere in future, and referred to former

statements as to the claim of suzerainty. Mr. Chamberlain also stated that Her Majesty's Government agreed to discuss the subject of a tribunal of arbitration from which foreigners were excluded, and suggested a conference for this purpose between the President and Sir Alfred Milner. || (3) The reply of the Transvaal Government was transmitted by the High Commissioner on the 5th September. It expressed regret for the non-acceptance by Her Majesty's Government of the proposal made by the South African Republic in Notes of 19th and 21st August, with the conditions attached, which proposal had consequently lapsed, re-asserted their view as to the non-existence of „suzerainty", and inquired how Her Majesty's Government proposed that the Joint Commission should be composed, and how and when it should meet. || (4) On the 8th September Mr. Chamberlain replied to the last-mentioned despatch of the Transvaal Government in a despatch which it is advisable to set out in *integro* because the question has been raised whether this despatch was virtually a complete breaking off negotiations and should therefore have been at once followed by the mobilization, and despatch of the whole field force then in contemplation, or whether, on the other hand, it preserved a *locus pœnitentiæ* for the Transvaal Government and did not preclude a peaceful solution. The despatch of the 8th September is as follows: — (Nr. 12 050. Bd. 63).

(5) The Transvaal Government in a despatch dated 16th September declined to return to the offer of the five years' franchise qualification, and declared itself still prepared to abide by its acceptance of the previously proposed Joint Commission.

(6) On the 22nd September Mr. Chamberlain sent a despatch, of which the two concluding paragraphs are as follows (No. 12 055. Bd. 63).

The ultimatum of the South African Republic was sent on the 9th October and three days later the Boers invaded Natal.

Reports of the Intelligence Officers.

20. In order to form a conclusion as to the preparations which the situation in South Africa demanded — and the extent to which its requirements had been appreciated by the Military Authorities — it is now necessary to refer to the hitherto confidential official documents and the evidence in the possession of the Commission. || 21. The first of this collection of papers is a Memorandum by Major Altham, dated 11th June 1896. It is of importance because it not only discusses very ably the position as it then existed, but gives reasons for abandoning the assumption which had prevailed up to that time „that the Boers would make no serious advance into either Natal or the Cape Colony

during the month or six weeks which must elapse before troops sufficient for our advance can be concentrated in South Africa.“ Major Altham considered that the increase in the military strength of the Boers — their political aspirations — and especially their desire to possess Natal and a sea-port at Durban, rendered it not impossible that „the two Boer States may make a dash at Natal.“ || He therefore considered it very necessary to seriously consider these possibilities, and perhaps to send secret instructions to the General Officer Commanding, South Africa, „who is possibly not aware what would be our main line of advance, the primary consideration in deciding which are the strategic points of vital importance which need protection.“ He proceeded, therefore, to submit observations bearing on the position on different parts of the frontier. || 22. The earlier history is very succinctly stated in a Memorandum by Major-General Sir John Ardagh, then Director of Military Intelligence, dated October 1896. || „The ancestors of the Boers of the Transvaal have always manifested an antipathy to British rule, to which they finally became subject in 1806. They left the Cape Colony in 1835 for the Transvaal and Natal, and when that Colony was annexed by the Crown a large number of the Boer settlers again seceded. In 1852 their independence was recognised. In 1877 they were unable to make head against Secocoeni; the State was practically bankrupt and its Government was powerless. In April 1877, Sir Theophilus Shepstone annexed the territory. In 1880 the Boers took up arms, defeated the small force of British troops, and when ample preparations had been made for overcoming them the Home Government decided to grant them 'complete self-government, subject to the suzerainty of Her Majesty.' This Convention was modified in its minor terms by the Convention of London of 27th February 1884, by Article 4, of which the Republic ,undertook not to conclude any treaty or engagement with any State or nation other than the Orange Free State, nor with any native tribe, until the same should have been approved by Her Majesty.' This is the existing status of the South African Republic. || The Orange Free State was recognised as independent and absolved from allegiance to the British Crown by the Bloemfontein Convention of 24th February 1854.“

23. The influence of the discovery of gold on the development of the South African Republic, the consequent increase in its revenue, and its non-burgher population, and the causes which resulted in the Jameson Raid at the beginning of 1896, need not be again elaborated here. But it is necessary to quote from the same Memorandum Sir John Ardagh's opinion of the effect of the Jameson Raid on the military situa-

tion: || „The anti-English feelings of the Transvaal Boers rose to a very high state of tension. || Repudiation of the suzerainty of England was openly declared in the public Press. Treaties with Foreign Powers were concluded without compliance with the conditions of the Convention of 1884. The offensive and defensive alliance with the Orange Free State was revised. Emissaries were despatched to procure co-operation of the Boers of the British Colonies. Fortifications were commenced at Pretoria and Johannesburg, and extensive orders were placed for guns, rifles, and ammunition. Natal and Zululand were threatened with invasion. || The extreme bitterness of the Boer hostility has somewhat abated, but it is beyond all doubt that they are still more disposed and better prepared for a rupture with England than ever before, and in no way inclined to redress the grievances of the Uitlanders . . . . The Government has already spent 1 500 000 *l.* this year upon military preparations, and 850 000 *t.* has been further voted for the provision of artillery, rifles, ammunition, and fortifications. As the Transvaal is almost entirely surrounded by British territory, this large expenditure can have no other explanation than an anticipation of war, or an intention of aggression against this country and its supremacy in South Africa."

24. On the whole, however, Sir John Ardagh then took a hopeful view of the prospects of a peaceful solution. He says — || „The remarkable and unprecedented spectacle afforded by the Transvaal must, so long as present conditions last, inspire us with apprehension, and compel us to regard armed intervention as a possibility which may be forced upon us, however conciliatory our attitude may be. || But, though the burghers continue to indulge in exasperating language, unfriendly manifestations, and wild aspirations, it must be admitted that President Kruger has displayed extraordinary sagacity in conducting the affairs of the Republic. We cannot suppose that he is not fully alive to the dangers which menace the illogical and unstable system he represents, both internally and externally. He has been, so far, remarkably successful, and nothing can be more advantageous to him than the maintenance of the *status quo.* || The smouldering discontent of the Uitlanders, and the arrogance of the burghers are equally dangerous to his Government, and he may, presumably, be relied upon to use his influence to assuage the one and check the other. The burghers are quite aware that Uitlanders are, for them, the goose which lays their golden eggs; and the Uitlanders are more concerned in making money than in obtaining the franchise. || For the immediate present there seems to be a reasonable prospect of tranquillity, in spite of warlike preparations, menacing language, and

oppressive legislation. || The future is largely dependent upon the productiveness of the goldfields, the attraction they hold out to immigrants, and the nationality of those immigrants. The stream of British emigration to South Africa continues to flow with unabated vigour, and is mainly directed towards the goldfields. Every day increases the number of Englishmen in the Transvaal. Other nationalities contribute to the influx, but their aggregate appears to be considerably under the number of British subjects. It consequently seems to be only a question of time for the British element to arrive at such an overwhelming preponderance as to be irresistible. If, meanwhile, they will remain quiet and act prudently, their eventual supremacy is inevitable."

25. Six months later, however, information had been received which indicated that the state of matters was more critical, and on 15th April 1897 Sir John discussed the position regarding the Orange Free State, urging that „from a military point of view nothing short of an actively benevolent attitude should be accepted from the Free State," and adding that the chances of peace have evidently diminished. || Procrastination and delay in settling this important question of policy at the critical moment will be most prejudicial to us. A period of about two months must elapse between the issue of orders in England for the despatch of an expedition and the arrival of the troops in the theatre of war. During that time the British force in South Africa must remain on the defensive, and the Transvaal Government will have an opportunity of undertaking offensive operations." || „Both the Colonists and the Boers are at this moment convinced that there is a risk of war. Some of them regard it as inevitable. Under these circumstances the forces now at the disposal of the General Officer Commanding are manifestly inadequate to protect our interests during the inevitable interval between the ultimatum and the arrival of an expedition from England. || Both in the Cape Colony and Natal more troops are needed in order to enable us to hold our own during this critical period, and to command respect even if the friction should not increase."

26. During the next 18 months the situation did not improve, and it was again reviewed in the Intelligence Department in a paper by Major Altham, dated 21st September 1898. For the present purpose we quote the first paragraph and the conclusions. || „*Necessity for readiness.* — The Colonial Office have during the last 18 months in official letters addressed to the War Office repeatedly drawn attention to the unsatisfactory condition of political affairs in South Africa, and to the necessity for the Imperial troops being ready for a sudden emergency. || In a letter

addressed to the War Office on the 5th of May last Mr. Chamberlain pointed out that 'in spite of the anxiety of Her Majesty's Government to preserve peace there are a number of questions which may lead to a rupture with the South African Republic and that it may be taken as probable that the Government of the Republic would seize any favourable opportunity offered by reason of Her Majesty's Government being involved in difficulties elsewhere, to assume suddenly a hostile attitude.' The letter then alluded to the fact (previously pointed out in page 41 of Intelligence Division publication 'Notes on the Dutch Republics of South Africa') that firmness and readiness at the outset of the war will greatly diminish the number of disloyal Colonists, who might be tempted by racial sympathies to join their kinsmen over the border; and for this reason Mr. Chamberlain urged that ,it is most desirable that Her Majesty's forces should be ready at once to meet, and at least hold in check until the arrival of reinforcements, any movement in force made from the Transvaal. Failure to do this, or delay, would almost certainly entail humiliation and increased expense.' || The information received in the Intelligence Division since the date of the above letter tends to the belief that the situation is unchanged, and in all probability will remain unchanged in the immediate future. || The Transvaal has, during the last two years, made military preparations on a scale which can only be intended to meet the contingency of a contest with Great Britain. These preparations still continue, and the condition of affairs in South Africa has practically now become that of an armed neutrality, which may last for years or may culminate in war at very short notice. At the outbreak of such a war we shall at first be in a decided numerical inferiority; moreover we should have to face the problem of protecting a very long frontier and should be handicapped with a certain amount of disloyalty (passive, if not active) within our own borders; at least a month or six weeks must elapse before any appreciable reinforcements could arrive from England or India. The problem of defence would therefore be a difficult one, and its difficulty will be enhanced by the fact that any mistake or lack of firmness at the outset would seriously affect subsequent operations.

(8) *Conclusion.* — From the facts above submitted the following conclusions appear to arise: — || (*a*) That the political and military situation in South Africa renders it necessary that the troops should be able to mobilise at a few hours' notice for the defence of the frontier. || (*b*) That there is reason to fear that, from lack of organisation and insufficient transport, there would at present be considerable delay in such mobilisation. || (*c*) That to remedy these defects defence schemes should be drawn

up locally for the Cape Colony and Natal, worked out in all details on the same lines as the schemes of defence for home and colonial ports; and that the General Officer Commanding should be instructed to report fully all requirements necessary to perfect these defence schemes. || (*d*) That the Colonial Office should be asked to inquire through the High Commissioner of South Africa whether any schemes of defence have been prepared for Southern Rhodesia, and for Mafeking in Bechuanaland. || (*e*) That the arrangements which would be made for the despatch of reinforcements from England and for the provision of supplies and transport be worked out fully by the War Office; and that the General Officer Commanding, South Africa, be informed what action under these arrangements would be required of him on the outbreak of the war.

D.M.I. (B). E. A. Altham, D.A.A.G.“

21 September 1898.“

It has already been shown that the questions referred to in the Colonial Office letter quoted above had been the subject of a prolonged correspondence with the South African Republic during these years.

Military Preparations.

27. In proceeding to examine the steps which were taken in consequence, it is desirable in the first place to state the division of the responsibility. || 28. Under the provisions of the Order in Council of 1895, which was in force at the outbreak of the War, the Commander-in-Chief was responsible „for the general distribution of the Army at home and abroad, and for the preparation and maintenance of schemes of offensive and defensive operations“. Accordingly, under his direct orders there was, on the one side, mobilisation sub-division, which dealt with questions of mobilisation and of war establishments; and on the other side, the Intelligence Division, which was charged with the preparation of information relative to the military defence of the Empire, including the compilation of maps and the strategical consideration of all schemes of defence. || 29. We shall consider hereafter how far the equipment of these offices was adequate for the performance of the duties entrusted to them; but a statement of the distribution of duties is necessary to explain the fact that in the papers of the Intelligence Division relating to South Africa there is no definite suggestion of the nature or amount of reinforcements which might be required in the event of hostilities. On the other hand, there was correspondence between the Director of Military Intelligence and the General Officer Commanding at the Cape — a post held during the period before the War, first by General Goodenough and afterwards

by General Sir W. Butler, regarding Defence Schemes; and the nature of these schemes must be clearly understood. || 30. A system exists for the preparation in every Dependency of the Empire of schemes of defence by the General Officer Commanding there, but No. 168 of the King's Regulations lays it down that: — „His schemes of defence should deal only with the men and material actually available". These schemes, therefore, dealt only with the garrisons actually available in South Africa at the time when they were drawn up, and must not be regarded as any measure of war requirements. This appears from the evidence of Sir William Butler, Sir John Ardagh, Colonel Altham, and others. There was also prepared, not under the King's Regulations, but at the instance of the Colonial Office, a local scheme of defence for Natal. This scheme, prepared by Major-General Cox and a Colonial Defence Committee, was transmitted by the Governor of Natal to the Secretary of State for Colonies on the 29th November, 1898. It is printed in the volume of Appendices, page 359. Like the schemes under the King's Regulations it was based upon the actual forces available at the time, regular and colonial. Lord Roberts observed that it was a very ambitious scheme for the small force at disposal to carry out. As a matter of fact none of these schemes seem to have been even submitted to the Generals in command during the War, though this does not imply that they were not ably and carefully prepared by the officers holding commands in South Africa previously to the War. || 31. If then, it was not the function of the Intelligence Division of the War Office to formulate from the information it had collected an estimate of the force required to guard against the dangers which that information disclosed, and, if the generals on the spot were not required to do more than detail the positions which might best be occupied by the troops under their command without any consideration of other circumstances, it becomes necessary to look to some authority, higher than both, which was competent to bring their energies into line. Obviously, this is to be found only in the Commander-in-Chief, with whom, as already stated, rested the duty of preparing schemes of offensive and defensive operations. Field-Marshal Viscount Wolseley submitted to us a series of minutes to illustrate his evidence, which he divided under three heads, (1) recommendations connected with the competency of the Army to fulfil its duties, (2) recommendations in connection with the War in South Africa, (3) recommendations regarding the administration of the Army and the constitution of the War Office. || 32. Examining these documents with a view to the second of these heads we find in Lord Wolseley's minute of 22nd February 1896, a refe-

rence to the Cape. The addition proposed was one regiment of cavalry, one battery of horse artillery, and two battalions of foot. But as the title of the Appendix — „The Strategical Importance of the Cape" — sufficiently shows, this increase of garrison was advocated on other grounds and not only, or indeed principally, on the necessities of the situation in the Colonies themselves. It is significant to notice that the Marquis of Lansdowne, who replied in a memorandum of 10th July 1896, quoted the language of the Commander-in-Chief, „we should be strong there not only to resist attacks from without, but to put down at once any internal troubles fomented amongst the Boers by an enemy," and remarked „would it not be true to say that if we are to be strong enough to do all these things we shall have to strengthen the garrisons of the Cape and Natal by much more than two battalions of Infantry?" || In his reply to this memorandum, dated 30th October 1896, Lord Wolseley does not specifically refer to the Cape. But in his evidence he defended the adequacy of his proposals, saying „it would have enabled us to have held some defensible position, and it would have enabled us to protect what we had, I think."

33. The minutes of November 1897 are concerned with the organisation of the Army as a whole, and the next minute, dated 20th April 1898, bearing on the subject of South Africa was quoted by Lord Wolseley in his answer to Q. 8745. It proposed to send out to Cape Colony „at least one regiment of cavalry, and three batteries of field artillery to make the force there complete in all arms." Also to collect transport „for the forces now in South Africa" and to despatch reserves of rifles and ammunition. || It contained also the following passage: „Our troops in Ladysmith have no adequate supply of provisions. Two months' food for man and beast should be at once collected there for a regiment of cavalry, three batteries of field artillery, a mountain battery, 120 mounted infantry and a battalion of foot. This is absolutely essential to prevent any force at Ladysmith from being starved out before help could reach it from England." || The minutes of Lord Wolseley and Lord Lansdowne in January 1899, which come next in the series, deal with the Army generally. || 34. With the summer of 1899 a period is reached which calls for separate and particular attention. The first of Lord Wolseley's minutes at this time is dated 8th June, and his proposals were stated as follows:— || „In the event of war with the Transvaal we should require, in addition to the force now in South Africa, one complete Army Corps, one Cavalry Division, and one battalion of mounted Infantry. For the line of communications we should require four battalions. || The pressing question for

the Government to consider at this moment is, to what extent shall we prepare for this contingency; first, secretly, and, secondly, without any concealment whatever as to the objects of our preparations? Much could be done at once without attracting any attention, provided no one in the War Office or outside the Cabinet be admitted to the secret. || We could supply all our troops now in South Africa with a double establishment of regimental transport. We could send out three companies of Army Service Corps — one at a time. || Taking advantage of the recent outbreak of fever in Natal, we might — || 1. Accumulate in South Africa a large amount of medical transport and material. || 2. Nominally to superintend the hutting of the troops at Ladysmith and other stations, we might send out three Field Companies R. E. || 3. Commissariat supplies to a very large extent could be collected at Cape Town and Maritzburg. || 4. We could at once despatch to the great sources of mule supply officers to make arrangements for purchasing mules as soon as they received telegraphic orders to begin. || 5. We could increase our naval squadron on the Cape Station. This is, I think, a point of much importance. || 6. We have been of late years urged very strongly to mobilise one of our three Army Corps and a Cavalry Division. Let us do this at once on Salisbury Plain, under the General whom it is intended should command in South Africa in the event of war. The expense would be an extremely small matter when compared with the cost of war, and it might probably wake up the Transvaal to the fact that England was at last serious, and, by doing so, prevent war altogether. This would not require any immediate calling out of the Army Reserve. When the time came for war, the Reserves for that Army Corps and the Cavalry Division would alone be called out. They would join at Salisbury, taking the places of the superfluous young soldier who would be disposed of according to our Regulations on the subject. || It is very evident that this demonstration would be far more effective if the Reserves for the force to be collected at Salisbury were called out as soon as the troops were placed under orders to assemble there, and I need scarcely add, that the Army Corps, should it have to be used in the field, would then be far more effective as a military machine for war purposes. || The operations should begin in South Africa as soon as possible, so as to be over by next November. || It would create an excellent feeling if each of the Australian Colonies, Tasmania, and New Zealand, furnished contingents of mounted troops, and that Canada should furnish two battalions of foot."

35. It will be observed that no immediate reinforcements were suggested beyond three companies of Army Service Corps and three com-

panies of Royal Engineers but the collection of transport and stores was to be „secretly“ arranged. On the other hand an open demonstration of mobilising an Army Corps and a Cavalry Division on Salisbury Plain was strongly advocated. This was never seriously entertained by the Government and is chiefly of interest as the first indication of the nature of the force which it was supposed would suffice in the event of war, and which was eventually despatched. || 36. It is evident that in this sense the proposal of the Commander-in-Chief was accepted, for the next of his minutes is one dated 7th July which encloses and comments on a memorandum by Sir R. Buller, who had been designated for the chief command of this Army Corps. The recommendations of the Commander-in-Chief in regard to the distribution of forces are stated as follows: — || „6. As originally recommended by me in my minute of 8th June 1899, I would still urge, as the most pressing step to be taken, and the most effective demonstration open to us, the immediate mobilisation of one Army Corps and one Cavalry Division — say 35 000 men — at Salisbury or Aldershot, whichever might be cheapest and most convenient. || But whatever decision be adopted on this point, the Cabinet should now consider whether we should not at a very early date send one Infantry Division and one Cavalry Brigade — say 10 000 men — to South Africa, to act the double purpose of being an open demonstration of a warlike policy, and also an efficacious method of strengthening our present military position there. That is, in fact, No. 1 of the recommendations in Sir R. Buller's minute of yesterday. || There can be no doubt as to the present necessity of strengthening our military position in South Africa, and, in my opinion, the early despatch there of the above-mentioned force would be the most practical and convenient form in which that object would be secured.“

37. The suggestion of a reinforcement to the extent of 10 000 men is here made for the first time, but ten days later it does not appear to have been considered urgent, to judge from a note which is so important that it may be quoted *in extenso*: —

Question for Sir Redvers Buller.

„Are you quite satisfied that our present position in the Cape Colony and in Natal is quite safe? || In the event of an ultimatum being sent to Kruger, telling him that unless he concedes what Sir A. Milner has demanded, Her Majesty's Government will feel obliged to adopt measures other than diplomatic, do you see any necessity for sending to either,

or to both above-mentioned Colonies, any augmentation of our present garrisons there? And, if so, what should such augmentation consist of?
17. 7. 99. Wolseley."

„There was a meeting in Lord Lansdowne's room at the War Office on the 18th July 1899, at which Sir R. Buller was asked this question. He replied that he had complete confidence in Butler's ability and forethought, and that as long as clever men like Butler and Symons on the spot did not say there was danger, he saw no necessity for sending out any troops in advance of the Army Corps to strengthen our position against any possible attack by the Boers on our frontiers. I do not say these were his exact words, but they are the exact meaning and pith of what he said to Lansdowne and me. (Signed) W."

38. On 2nd August the Government decided on the dispatch of a reinforcement of 2000 men to Natal for the purposes described in the following Minute of Lord Lansdowne: — || „2nd August 1899. The view of Her Majesty's Government is that we should, without making ourselves responsible for the „complete protection" of Natal in the sense of securing it from all possible risk of invasion, make some addition to the strength of the force now stationed in thate colony. || The object of such an addition would be to strengthen our own position, to reassure the colonists, and, above all, to strengthen our diplomacy during the new phase which is commencing. || The number of men which, from the latter point of view, seems to us sufficient, would be 2000, or thereabouts. || We should be glad if the addition of this force to that already on the ground enabled us to advance near enough to Laing's Nek to make that place safe from a mere raid by a small body of men. I gather that to hold the Nek against an invasion in force would require a much larger number of troops, but such an invasion is not anticipated, and we are not asked to provide against it. || The Cabinet would like one battalion for Natal to be taken from the Cape Colony, where it could be spared for a time. || It is also suggested that the Natal local forces might be used in conjunction with ours for a movement in the direction of Laing's Nek. || Some of the troops required might perhaps be obtained by detaining in Natal troops on their way to or from India. L."
2nd August 1899."

„P. S. — I suggest that these proposals be considered as wholly distinct from the question of mobilising an Army Corps in South Africa."

39. This was acknowledged by Lord Wolseley in these terms: — || „Secretary of State, — || I am very glad it is contemplated to add some

2000 or 3000 men to our force in Natal, for, although that augmentation will not, I think, render the Colony entirely free from external danger, it will make our position north of the Tugela River, and at Ladysmith particularly, much more secure than it is at present. At this distance from Natal I should not like to lay down where this reinforcement is to be quartered, for that is a matter that must be decided on the spot by the Major-General Commanding in Natal. But I think it might be intimated to him that for political reasons it is desirable these extra troops should be pushed forward either to Ladysmith or, if he thinks fit, even north of that position. He might be told that, if he deems it right to occupy Dundee, or even Newcastle, with a view to a more careful watching of Laing's Nek, he may do so. || It is very desirable he should arrange for the collection of information as to Boer doings, movements, and plans in the neighbourhood of Van Reenan's Pass, and the other passes over the Drakensberg, between Natal and the Orange Free State."

40. The last of this series of Minutes which it is necessary to quote in the present connection is Lord Wolseley's of 18th August, which he evidently intended for submission to the Cabinet as a careful and reasoned statement of his views at that date. It is therefore inserted here in full. The subsequent correspondence to which it gave rise will be found in the Appendix, but does not deal so much with the proposals for the force to be employed as with questions of its constitution and of general policy.

18th August 1899.

„Lord Lansdowne, — || I do not see all the telegrams that pass between the Colonial Office and Sir A. Milner, but from those I have read, I gather he is anxious about the weakness of the military force we now have in South Africa. I have long shared this anxiety with him, and consider our present military position in Natal to be very unsatisfactory. Having served in South Africa in a civil as well as a military capacity, and had close dealings with many of those who are now in office and in opposition in its several provinces, I think I am in a position to express an opinion upon the present aspect of affairs there. || I venture, therefore, to put in writing my views upon it, looking at it chiefly from a military point of view. || I gather from Sir A. Milner's recent telegrams that he is not satisfied with the number of troops quartered in the Cape Colony, and I am inclined to agree with him. One of the most serious events that could happen for our rule in South Africa would be any Dutch rising in any part of the Colony. In my opinion we should hold the Orange River Station and the De Aar Junction (about 70 miles south of it) by one battalion, distributed as the

General Officer Commanding in South Africa thinks fit, and that Stormberg Junction (Molteno) should be held by another battalion. A company in each of these two battalions should be mounted infantry for patrol duty. This would give confidence to all loyal people in Cape Colony, and would enable us, by protecting the railroad bridge at Orange River Station, to keep open our communication with Kimberley, and possibly with Bulawayo. || We ought, I think, to at once raise the Imperial corps asked for to protect the diamond mines. If this were done, and the two battalions — referred to above — were added to the troops already in the Cape Colony, it is possible we should be able to prevent the railroad bridge over the Vaal at Fourteen Streams from being injured, and thus eventually secure our communications with Mafeking, and so on to Bulawayo. || But much as I should like to thus strengthen your military position in the Cape Colony, I should still more wish to strengthen it in Natal. It is there that danger actually threatens. Perhaps the following military description of Natal will help to elucidate my meaning: — || The configuration of Natal is that of a roughly-drawn ace of diamonds, the long axis of which runs nearly due north and south. Its two lower faces are formed by the sea on the south-east, and by Basutoland, together with British Kaffraria, on the south-west. It will be seen that both those lower faces of the diamond are thus fully protected from all external attack. || The north-east face of the diamond (about 170 miles long) is formed by the Buffalo River, until it joins the Tugela, and then by the latter river, until it falls into the sea. Of this 170 miles, about 75 form there the frontier of the Transvaal, the remaining 95 forming that of Zululand." || The north-west face of the diamond (about 120 miles long) is formed by the Drakensberg, which is there the frontier between Natal and the Orange Free State. || A glance at the map will show the most non-military mind that our danger lies at present in the triangle formed by the Drakensberg, the Buffalo and the Tugela Rivers, the apex being close to Laing's Nek at the northern point of the diamond. || The Transvaal Boers can pass into this triangle across the Buffalo at many places, and if they do not mind violating the Orange Free State territory, they can enter it by Van Reenan's Pass, through which runs the railway between Ladysmith and Harrismith, and by several other inferior passes over the Drakensberg. I may perhaps mention that the Orange Free State have no organisation to prevent the Transvaal Boers raiding through their territory. In other words, unless we are able to hold that triangle with at least 10000 fighting men, we can be easily turned out of Ladysmith and all positions north of that town by an advance of, say,

10 000 or more Boers from the Orange Free State through the Drakensberg on the west, or by a similar advance from Transvaal territory across the Buffalo River on the east. || As matters stand now, or even as they will stand when the extra battalions now on their way to Natal have reached their destination, any such advance from either east or west upon the rear of Ladysmith would compel us to fall back behind the Tugela — the base of the northern triangle I have referred to — to take up a position upon it near Colenso. || When the Force in Natal has been joined by the two battalions now on their way there, it will consist of about 750 sabres, 4200 bayonets, 400 mounted infantry, and 18 field and six mountain guns. In other words, it will consist of 5350 fighting men and 24 guns. Of these we should not, at the outside, be able to bring more than some 4000 into the field near Colenso, for we dare not leave our line of communication and our base at Pietermaritzburg unprotected. || What the effect would be upon our prestige, and consequently upon our military and political position in South Africa generally, if the Transvaal Boers were allowed to take possession of this northern triangle, to occupy the towns in it, to cut us off from our coal mines near Dundee — on which our railways depend very much — and to live at free quarters upon the English inhabitants, I need not describe. || It is for the Home Government, not for me, to consider what effect all this would have in England. || There is no military difficulty in still preventing the possibility of this untoward invasion of Natal. But time presses, and as far as an outsider can judge, the Transvaal Government continues to make every preparation for war. At this distance from Natal we at home could do nothing to help our colonies if the Boers were to invade Natal next week. || It is for this reason that I would beg the Government to consider the advisability of sending to Natal, with the least possible delay, one infantry division, one regiment of cavalry, two brigade divisions of artillery, and some Royal Engineers — altogether about 10 000 men. This would, in fact, be one of three divisions to constitute the Army Corps it is intended to send there should war be forced upon us. || I calculate, that from the date of receiving the order to do this, if given a free hand, I could place the above-described reinforcements at Ladysmith in nine weeks. || With such a force added to the troops already in Natal, the whole triangle I have named could be occupied and held. This would place us in a position to save the railroad tunnel at Laing's Nek from being destroyed, so that if war should take place in the end, by the time the remainder of our Army Corps had arrived we should be able to move upon Pretoria without the serious loss of life which the

assault of Laing's Nek, in possession of the Boers, would probably entail. I can see no good reason why we should not do this forthwith; the only objection I can think of is the cost, some 500 000 *l.*, a sum it would be well worth spending if we could thereby be saved from war. We should not require either to call out the Army Reserve or to bring any troops from India to give effect to the scheme I have roughly sketched out in this paper, and which I hope may be duly considered by the Government. || I well understand the natural repugnance felt by every administration to the expenditure of large sums, such as I here recommend, upon preparations for a war that may never come off. But in this instance I believe that such an expenditure now might possibly, if not probably, avert war altogether for which Mr. Kruger and his party are making every preparation. They seem still to cling to the belief that England will not put forth her power to enforce her rights; but it may fairly be assumed that the despatch of an advance guard of 10 000 men to the Transvaal would disillusionise them upon this point. || I may add that I have deferred making these recommendations until now, as I strongly deprecate the expenditure of so large a sum unnecessarily; but in my opinion we have arrived at a moment when it would be unsafe and unwise to delay further action in regard to the measures which I have suggested." Wolseley."

18 August 1899."

41. It will be convenient at this point to state the strength of the regular force in South Africa at different dates during the period when war was more or less imminent. || In a statement submitted to the Commission by Lieut. General Sir William Nicholson, on behalf of the War Office, it is stated that „the normal garrison of South Africa prior to 1896 was: — || „(a) The force allotted for the defence of the naval base of Simonstown and the commercial harbour of Table Bay, *i.e.*, two battalions of infantry, two companies of garrison artillery, and one company Royal Engineers. || (b) A half-battalion of infantry quartered temporarily in the Cape Peninsula, pending the completion of barracks at Mauritius. || (c) A cavalry regiment, a battery of mountain artillery, and a battalion of infantry in Natal. It had been agreed, however, with the Natal Government that in 1898 — five years from the date of the grant of responsible government to that Colony — the Imperial garrison would be withdrawn and the Colony would provide a force of its own sufficient for the maintenance of internal order and local self-defence. || The total establishments of the regular forces in South Africa for the year 1895 amounted to 3699 all ranks." || It is observed in the same statement that

„this force was obviously not fixed at a strength sufficient for even preliminary defensive measures to resist a Boer invasion."

42. The following Table, constructed from the General Monthly Returns of the Regimental Strength of the British Army, shows the variations in the strength of the regular force in South Africa at various dates between the summer of 1895 and the autumn of 1899. These figures represent effectives of all ranks, and in addition to actual sabres, bayonets, and gunners, include a certain proportion of men belonging to the Royal Engineers, and to the Army Service, Ordnance, Medical, and Pay Corps.

Date	In Cape Colony	In Natal	Total in South Africa	Field Guns
1st June 1895	2128	1 804	3 932	6
1st December 1895 . .	1792	1 796	3 588	6
1st June 1896	2785	1 825	4 610 (*a*)	6
1st December 1896 . .	3528	1 881	5 409 (*b*)	6
1st June 1897	3807	4 347	8 154 (*c*)	24
1st December 1897 . .	4019	5 574	9 593	24
1st June 1898	4004	5 032	9 036	24
1st December 1898 . .	3785	4 671	8 456	24
1st June 1899	4462	5 827	10 289	24
1st October 1899 . . .	7400	14 704	22 104 (*d*)	60

(*a*) Exclusive of 620 in Bechuanaland.
(*b*) There were also 495 in Matabeleland.
(*c*) There were also 197 in Matabeleland.
(*d*) Part of the troops and guns included in this total were on 1st October 1899 still on passage from India and elsewhere.

It will be observed that there was a considerable increase in the strength of the South African garrison in the year 1896 and again in the year 1897. At the end of 1895, at the date of the Jameson Raid, and shortly after the imminent risk of an armed collision on the Drifts question, the actual strength in Cape Colony appears to have fallen below what has been described as the normal standard. ‖ At the end of December 1895, the regular force in South Africa (besides garrison artillery) consisted of the following units: — In Cape Colony there were a battalion and a half of infantry, in Natal a regiment of cavalry and one battalion of infantry. In the course of that year two additional battalions of infantry were sent to Cape Colony, and in the autumn an addi-

tional regiment of cavalry was sent to Natal. Some mounted infantry were also sent to South Africa.

43. It has been pointed out that between the 6th March 1897, when Mr. Chamberlain's despatch demanding the repeal of the Aliens Immigration Act was sent, and the 5th May 1897, when the Transvaal Government yielded upon this point, a dangerous crisis occurred. On the 1st April 1897 the effectives of all ranks in South Africa amounted to 6303 men, with a mountain battery of six guns. In May 1897 this force was strengthened by the despatch to Natal of two additional battalions of infantry and three batteries of field artillery. The total strength in South Africa thus raised stood at the beginning of December 1897 at a total of 9593 effectives of all ranks, of whom 4019 were in Cape Colony, and 5574, with 24 field guns, were in Natal. These troops, on the 1st June 1899, at the time of the Bloemfontein Conference, were at a strength of 10 289 effectives of all ranks, but no further units were sent out between the summer of 1897 and August 1899. In that month an additional battalion of infantry was sent to the Cape and another to Natal, and on the 8th September a force of about 10 000 men were ordered from India and elsewhere to South Africa. When the war began the strength of the regular force in South Africa amounted to about 22 000 men of all ranks, with 60 field guns. Of these nearly 15 000 were in Natal, the rest in Cape Colony. || 44. Summarising the preceding review of Lord Wolseley's minutes, it will be found that proposals for augmenting the forces in South Africa were, so far as appears from them, put forward on five occasions: — || (1.) On 22nd February 1896 — an increase of one regiment of cavalry, one battery of horse artillery and two battalions of foot; this proposal being advocated chiefly on general strategical grounds. || (2.) On 20th April 1898 — an increase of at least one regiment of cavalry and three batteries of artillery to the Cape Colony to make the force there complete in all arms. || (3.) On 8th June 1899, when the actual reinforcement consisted of details — but the mobilisation of an Army Corps in England was advocated. || (4.) On 7th July 1899, when in addition to the mobilisation of the Army Corps, it was proposed to send 10 000 men to South Africa without delay. || (5.) On 18th August 1899, when the despatch of 10 000 men to Natal was strongly urged. || 45. The additions to the normal garrisons before the war broke out, as proved by the tables given above, had been far larger than those proposals. Lord Wolseley himself said that they were made „bit by bit" and „on the strong recommendations I made from time to time," and no doubt he was cognisant of and approved them. But the general impression to

be derived from the whole circumstances must be that the special function of the Commander-in-Chief, under the Order in Council of 1895, viz.: „the preparation of schemes of offensive and defensive operations," was not exercised on this occasion in any systematic fashion. Lord Wolseley, in his evidence, would seem to be inclined to rely chiefly on the officers on the spot, but there is nothing to show that the defence schemes sent in by these officers had any bearing on the recommendations made by the Commander-in-Chief. On the other hand, we were definitely informed by Lord Lansdowne that the papers of the Intelligence Division were never officially communicated to him as the basis of any proposals through the regular channel, *i. e.*, by order of the Commander-in-Chief. There arises therefore this somewhat extraordinary state of affairs, that the Secretary of State for War first had his attention specifically directed to important War Office papers by the Secretary of State for the Colonies, to whom they had been communicated in a sufficiently formal manner to enable him to use them officially, and to enable the Secretary of State for War to send an official reply. It is not, of course, alleged that these papers were suppressed; on the contrary, we know that a handbook was prepared from them, which was supplied to officers in South Africa, and afterwards presented to Parliament. But it is essential that the system of the future should provide, and it no doubt will provide, that the information collected by what is presumably the best means obtainable, shall be avowedly and necessarily the foundation of the plans for offence and defence proposed or adopted by the authorities responsible for that duty. || 46. It is perhaps not altogether remarkable under the circumstances above described that no plan of campaign ever existed for operations in South Africa. It does not seem an unnatural supposition that a general who is sent out on an important expedition should receive written instructions showing the objective which the Government has in view. Lord Roberts stated that „when Sir George White arrived in Natal he had no instructions in regard to the wishes of the Government as to any particular plan of campaign, nor was he aware of any general plan of operations in South Africa." From Sir George White and Sir Redvers Buller on the one hand, and from Lord Wolseley and Lord Lansdowne on the other, there is the assurance that no written instructions were given or received. Lord Lansdowne in his evidence expressed the opinion that it was „by no means the rule that a general despatched upon an errand of the kind is furnished with full and precise instructions". Further, that „upon this particular occasion I cannot see that anybody was prejudiced by the absence of a definite plan of campaign".

Undoubtedly, if the provision of any plan of campaign interfered with the discretion of the general once the campaign had opened it would be indefensible, but it is submitted that it is perfectly possible to safeguard the discretion of the general in the field, and yet to supply him with schemes of operations worked out by the most competent officers on the most reliable information, which he can adapt to the changing fortunes of the war.

47. It is difficult to see the object of imposing upon the Commander-in-Chief the duty of preparing „schemes of offensive operations" if something of the kind is not intended. Nor is it easy on any other interpretation to understand the expression in Lord Wolseley's Minutes of 8th June 1899: „The general plan of campaign to be adopted is one that must thoroughly meet with the views of the General Officer selected for supreme Command;" and of 28th September 1899: „It is most essential we soldiers should fix upon a plan of campaign." || 48. The only alternative is to rely on the impressions which a General may derive from personal interviews with superior authorities before he starts. That was the alternative adopted on this occasion. It resulted in the neglect for all practical purposes of the work of the Intelligence Division. For instance, on the question of the holding of Ladysmith, opinions had been formed which, whether correct or not in the light of subsequent experience, ought certainly to have been in the hands of officers entrusted with the defence of Natal, and, to cite only one other instance of the result of the course taken, we may refer to the plentiful crop of misunderstandings to be found in the statement made by Sir Redvers Buller.

In no other line of life would an agent be entrusted with a difficult and responsible task without some attempt at precise and careful definition of the object in view, and there seems to be no reason why military duty should be a solitary exception. || 49. It may, however, be admitted that if a plan of operations had been formulated on this occasion it would probably not have proved serviceable beyond „the first collision with the enemy's main body," mentioned in the passage from Von Moltke's works quoted by Lord Wolseley. On the other hand it must be remembered that — to use the words of Lord Roberts „An initial mistake in strategy has far-reaching effects, and is practically „irretrievable." There can be no doubt that there was serious miscalculation as to the nature of the operations. So late as 21st December 1898 the probabilities are thus described in a letter to Sir William Butler, General Officer Commanding at the Cape, signed by Colonel Stopford, Assistant

Adjutant-General at Headquarters: || „The treaty recently concluded between the Transvaal and the Orange Free State renders it probable that in a war with the former we shall find the sister Republic ranged against us. But even if the Government of the Free State refrains from taking active part in the campaign, it is reasonable to anticipate that, as in 1880—81, that Government will find it difficult to adequately fulfil the responsibilities of a neutral State, and restrain its burghers from individually joining the forces of the Transvaal. || The latest information in the possession of the War Office as to the military strength of the two States will be found in the recent pamphlet, entitled ‚Military Notes on the Dutch Republics of South Africa', copies of which are in your possession. You will observe that in that publication it is estimated that the total forces of the two Republics amounts to over 40 000 men, and that of these some 27 000 would be available for offensive operations beyond their frontiers. It is known that projects for such offensive operations have actually been under the consideration of the War Department of Pretoria, but although an attempt may be made on Kimberley, and the northern strip of Natal may be occupied by the Boers, yet it is considered to be unlikely that any further serious advance into the heart of either Colony would be undertaken. Raids, however, of 2000 to 3000 men may be expected, and it is against such raids that careful preparation on your part is necessary." || The expectation was that after a period of defensive operations against raids of 2000 to 3000 men, the Army Corps would arrive on the scene, and its operations would begin as soon as possible „so as to be over by next November." || Lord Roberts summarised his views on the whole question as follows: — || „So far as the War Office is directly concerned, the main defects in preparation, in my opinion, were: — (1) The selection of Ladysmith as the principal military station and advance depot in Natal and leaving it absolutely undefended. Sir George White was forced to hold on to it, for had he abandoned it an immense amount of supplies and ordnance stores, which there was not time to remove, would have fallen into the enemy's hands. (2) The plan by which General Buller's force was to advance in three columns through Cape Colony towards the Orange Free State. (3) Having no properly organised Transport Department, the absence of which prevented any movement being made away from the several lines of railway. (4) The failure to foresee the necessity of employing a large force of Mounted Infantry. (5) Under-estimating the possible strength of the enemy, the magnitude of the theatre of the war, and consequently the number of troops that would be required for the long lines of communication.

(6) Neglect to supply the Army with a proportion of heavy artillery sufficiently mobile to accompany the troops in the field. Guns of this description have always formed part of the armament of an Indian Field Force, and even in a mountainous country like Afghanistan they did good service. (7) The want of suitable maps. Whether the fortification of important points in the lines of communication was suggested by the War Office, I am not aware. It certainly would have been a wise precaution had measures been taken while there was still time to place certain localities, such as a position behind the Tugela in Natal, and De Aar and Naauport Junction in Cape Colony, in a state of defence.“

Section IV.

Questions of war office organisation.

Intelligence Department.

255. The work of the Intelligence Department has been shown to have had so important a bearing on the preparations for the War that an examination into the equipment of this office, already foreshadowed, cannot fail to be of interest. Evidence was received from Lieutenant-General Sir William Nicholson, the present Director of Military Intelligence, and Major-General Sir John Ardagh, his predecessor, from Colonel Altham, Colonel Robertson, Colonel Grant, and Major Hills — officers who had served in the Department — as well as from the Secretaries of State and Commander-in-Chief, who were conversant with the duties. A statement was also handed in which summarised the work of the Department in connection with South Africa, and which is printed as an Appendix to this Report. || 256. Under the Order in Council of 1895 which was in force at the commencement of the War, the Director of Military Intelligence was an officer on the Staff of the Commander-in-Chief with the rank of Major-General. His work was under the control of the Commander-in-Chief, although, as explained by Sir John Ardagh, „Amongst the attributions of the Director of Military Intelligence was an authority to communicate directly with the heads of all public departments on matters connected with the Intelligence Department.“ Some of the consequences of this position have already been noticed. || The duties of the office are described in the above-mentioned statement as follows: — || „Under the orders of the Commander-in-Chief, the Director of Military Intelligence was charged with the preparation of information relative to the military defence of the Empire, and the strategical consideration of all schemes of defence; the collection and distribution of information re-

lating to the military geography, resources, and armed forces of foreign countries, and of the British Colonies and Possessions; the compilation of maps; and the translation of foreign documents."

And with special reference to South Africa. || „Except as regards the preparation of maps, Intelligence duties connected with South Africa were assigned to the section of the Intelligence Department which was charged with the strategical consideration of defence schemes at home and abroad, and with the collation of information concerning the British Colonies, Protectorates, and spheres of influence. || This section had to carry out the following work: — || (a) An annual examination and revision of schemes of home and colonial defence, and the conduct of correspondence arising thereform with the Admiralty, Colonial Office, and other departments of the State. || (b) The observation of military operations conducted in any part of the Empire, except India, including those conducted by local forces working under the orders of the Foreign Office or Colonial Office, both of which departments looked to the Intelligence Division for military advice whenever emergencies occurred. It may be noted that no less than thirty of these small wars took place during the years 1896—9, some of them, such as the Uganda mutiny, the Sierra Leone rebellion, and the operations in West Africa, 1897—8, involving questions of some difficulty and complexity, || (c) A study of the organisation, numerical strength, and efficiency of the Colonial Forces of the Empire, and consultation with the Colonial Office and Foreign Office on questions relating to their administration. || (d) The collation and submission to the Commander-in-Chief of information concerning the military forces and plans of the two South African Republics. || (e) A study of boundary questions affecting British Colonies and Protectorates, and consultation with the Colonial Office and Foreign Office thereon. || (f) The collation, preparation, and distribution of information concerning the resources and topography of all parts of the Empire, except the United Kingdom and India. || (g) The consideration of strategical questions connected with submarine cables and their control in war. || The staff allowed for the performance of those duties prior to the war was two officers and one clerk. || The D.M.I.'s responsibility for the provision of maps for South Africa mainly devolved on the mapping section of the Intelligence Division. This section, which was, and is, concerned with the provision of maps required for military purposes throughtout the Empire, had a permanent staff of two officers."

257. The full strength of the office at that time is said to have been 18 officers, and in October 1902, when Sir William Nicholson gave evi-

dence, it had been increased to 20 officers. That it was undermanned for the work of preparation for a great war will scarcely be denied. But a considerable measure of success must be admitted. The valuable series of memoranda extending over several years, which have already been noticed, will be found in Appendix B to the Report. From them was compiled the handbook entitled „Military Notes," which was first issued as a secret publication in 1898 and was afterwards presented to Parliament. These papers contained information which in many respects was remarkably accurate. For instance, Colonel Altham, who was mainly responsible for its compilation, was able to say, with regard to the guns and ammunition in the possession of the Boers, in reply to a question whether the information of the department was accurate: — || „I think it was extraordinarily accurate. You will see the practical result is that we a little overshot the mark; we estimated the number of guns at 107, and the actual number was 99, and that over-estimate was principally due to the fact that we heard that 16 of those six-inch guns — what they called Long Toms afterwards — had been ordered, and we were under the impression that they had arrived in South Africa, whereas only four had actually arrived before the war commenced. As regards ammunition, you observe that we estimated that there were 33 000 000 rounds in Pretoria magazine, and there were actually 33 050 000; we were within 50 000 of the exact number. That is at Pretoria, the central reserve. And as regards general supplies, we said that the supply was sufficient for a protracted campaign.

258. It is, however, in respect, of the provision of topographical information and maps that there has been most criticism, and reference may be made to the evidence received on these points. Colonel Altham defines the possibilities in regard to topographical information as follows: 521. — *Q.* You regard it as almost impracticable to provide beforehand all the topographical information which an Army really requires for its advance? — *A.* Yes, all the information. I think a good deal of the information has necessarily to be obtained by the staff of the Army itself on the spot; the more, of course, that can be obtained beforehand the better; but when you are dealing with a very large theatre of war like South Africa I should say it was really impracticable to obtain all that may be needed. Even supposing you had unlimited means and unlimited personnel to put together in a concise form every possible piece of topographical information that was required afterwards, it would run into such stacks of books that they never would be carried about by the Army. You must give a general impression of the country and such

general information that enables the General on the spot to give his decisions in the earlier stages and make his preliminary dispositions. || 522. — *Q.* And you must have enough information to make that general information accurate? — *A.* Yes; quite so.“ || Here, then, the means available to the department becomes an important question, and all he can say is: „I think we got together as much information as we possibly could, having regard to the means we had for obtaining information. Of course, if we had had larger means, more information would have been obtained, which would have been of considerable value to the Army during the operations. As it was, we were only able to examine and report on what appeared before the War to be important points, such as the bridges over the rivers, the main line of advance up from the Free State, and the main roads through the two Republics, and in the northern portions of the Colonies.“

259. There can be no doubt that the means for obtaining information prior to the War were limited. Mr. L. S. Amery represented the current opinion when he said „We did not spend nearly enough money, or send enough officers; the eight, or ten, or a dozen officers who went out did very good work, I know, but they were fewer than the men I employed myself as ‚Times’ correspondents, and I should have been ashamed to send ‚Times‘ correspondents anywhere, or even a commercial traveller, with the sums of money they were given.“ || It may be argued that this statement of the case scarcely makes sufficient allowance for all the difficulties of the situation. Rightly or wrongly, the Government had made it an essential part of the policy to avoid any measures which might lead to friction. It is admitted by many witnesses that it would have been impossible for British officers to have collected information openly, or, indeed, in any systematic fashion, without running the risk of hostile demonstrations, and this applied not only to the Transvaal and Free State, but even to our own Colonies. The distinction between the work of the Intelligence Department — which must be done before the outbreak of the War — and the work of the Intelligence Officer in the field becomes here very apparent. As Sir William Nicholson stated, these are quite distinct, and the manner in which the Field Intelligence Department must grow up was clearly explained by Colonel Altham. No doubt in both cases certain qualities must be specially developed in the good intelligence officer. He must have ready observation, accuracy and rapidity both in analysis and inference, and a power of clear and precise statement. Accordingly the officers trained in the Intelligence Department often accompany a force in the field, and most of those whose names are mentioned above ser-

ved in South Africa. But that does not alter the fact that the two services differ essentially. The Intelligence Department officer must be selected on general grounds; his work is to prepare for war during peace, and therefore both the work itself, and still more the expenditure upon it, is naturally subject to rules and regulations. Under these circumstances, if the means of obtaining information by the Intelligence Department prior to the War were deficient, the proper way to guard against the recurrence of this deficiency is to give to the superior authority larger discretion and resources for the collection of confidential information. || On the other hand, for the Intelligence Department in the field, it is essential to get hold of local men. „You cannot keep up an enormous establishment of local people in peace time; the men probably that you kept up would not be the men you wanted in the war." || Colonel Robertson well described the organisation of Lord Roberts' Intelligence: — || „708. — It was recruited from local men, with myself and five other staff officers. There was also an Intelligence officer told off to every column, no matter what the size of the column might be — it might be a division or half a brigade. In the war establishments there was then no Intelligence officer detailed to any unit below a division, but under the new arrangement an Intelligence officer was given to every column or detachment, and the local people were employed as scouts and guides. The guides were largely used because the country was practically without roads. || 709. — *Q.* What was the duty of the Intelligence officer with these columns? — *A.* To provide scouts and guides, and to procure and give to his General information regarding the enemy. || 710. — *Q.* Procuring information with regard to the route he was to take? — *A.* Yes; the General would know the place to which he wished to go, and the Intelligence officer would be expected to tell him the best route to it, and what opposition he might meet with on the way. He would find out about the enemy the best way he could from spies, deserters, and the usual sources."

260. There is no suggestion that after the outbreak of war there was any lack of money for the Intelligence work. Further, there was an ample staff of scouts, guides, and other subordinates, both European and native, as described by Colonel Murray in the case of the Natal Army. But, as the same officer pointed out, there was not always a sufficiency of trained officers, and the best method of training a sufficient number of officers for this particular branch of a staff officer's duty is not as yet very clearly laid down. || 261. It was as to the provision of maps that there has been most general complaint, and there is no dispute

that where maps were supplied at all they were, with perhaps one exception, very incomplete and unreliable. The question is how far this defect was one which could have been foreseen and avoided. || It will be observed from the statement of the Intelligence Division that, prior to the War, the Department possessed no means of producing maps; the duty of the two officers who formed the permanent staff of the mapping section being therefore confined to the providing of maps which could be obtained from the different countries. But as difficulties increased in South Africa, the importance of better maps was recognised; an officer was sent out to Natal in 1896, and this officer, Colonel Grant, gave evidence to the following effect: — || Asked under what circumstances he made a map of Northern Natal in 1896, he replied: — || „It was in 1896, when there was a tension between the Boers and ourselves; it arose after the Jameson Raid, and at the time of the tension it was grasped at home that we had no efficient map at all of the north of Natal; it seemed very desirable that we should get the information as quickly as we could, and I was sent out in a great hurry to write Reports of and reconnoitre all the communications north of Ladysmith, including the positions of Laing's Nek and the Biggarsberg. I may say we never went to the Treasury for any money. I got assistance out in the Colony, two officers from the garrison. I went out in August, 1896, and was back again by December of the same year. It took three months' work on the ground, and it was very rapid sketching, because the tension was still existing, and I did not want it to be known that I was there, and I think that the Ministers in Natal did not wish it to be known either, so that we did it as rapidly as we could and got home again. || In these answers three important points are to be noticed — (1) That great economy had to be exercised to avoid the necessity of an application to the Treasury; (2) That the state of feeling in the country rendered great caution and secrecy a necessity; (3) That the country north of Ladysmith was considered to be the probable theatre of war. With regard to the last-mentioned point it will be remembered that this view is entirely consistent with other indications of the opinion entertained by military authorities of the probable course of events on the outbreak of war. It is fair to add that Sir John Ardagh endeavoured to procure a map of the southern part of Natal, and obtained a promise of assistance from Sir H. Escombe, then Premier of that Colony. The death of Sir H. Escombe, and a change of Ministry, brought this negotiation to an end, but it illustrates the fact that the responsibility for mapping cannot rest solely with the War Office or with the Imperial

Government. No one is more emphatic than Sir John Ardagh that the work to be directly undertaken by the Intelligence Division would be for the parts of the Empire other than the self-governing colonies. But, if so, it is necessary to take into account the feeling in the several colonies, and undoubtedly for some years before the War it would have been difficult, if not impossible, for any Colonial Government in South Africa to have brought forward proposals for the preparation of maps for military purposes.

262. The outcry therefore in regard to the absence of good maps was not altogether well-informed. The Intelligence Division statement alleges that „the Department was in possession during the period 1896 — 1899 of all map material of all parts of South Africa affected by the War which was known to exist." Lord Roberts, while he admits „that a survey of the theatre of war, before hostilities commenced, was practically impossible," would seem to imply that something more might have been made of existing material. At any rate, he states that Colonel Henderson, the head of his Intelligence in South Africa, was able, especially with the assistance of Jeppe's previously unpublished maps of the Transvaal, 1000 copies of which happened to fall into our hands as contraband of war, to furnish him, as he was moving along, sheet by sheet, with maps which were of great use to him. Lord Roberts further agreed in the opinion that „as the probability of war was foreseen about the month of February 1899, there would have been ample time to prepare all these maps with a little foresight." || Before passing from the question of mapping it is desirable not to overlook the opinion of Sir John Ardagh, the most ardent supporter of extended action in this direction, that „a topographical survey of the Empire is a longer and more costly and more tedious process than most people imagine." This remark occurs in reference to an estimate that „it would cost 150 000 *l.* a year to place the Department on a sound basis and to make a topographical survey of the Empire." It is not surprising, therefore, that he, and also Major Hills, considers 20 000 *l.* a year as „a modest sum, not all that I think would be eventually granted, but something to build up a real and efficient Survey Department, suitable for Colonial and Imperial military surveying." „But," he adds, „20 000 *l.* a year is such a very large sum in comparison with what is now spent on the Intelligence Department that I had a feeling that if we were to ask for it it would be scoffed at in the War Office before it ever got to the Treasury." ||
263. The position of the Department with reference to the production of maps remains the same as it was before the War, and, according to Sir

William Nicholson, two officers only have been added to his staff. We accept the Secretary of State's assurance that he had intentionally deferred dealing with this matter until he had seen how far the work of the Defence Committee affected the work of the Intelligence Division, and that a proposal was now before the Treasury for an increase of at least 50 per cent. to the staff. || The alteration in the status of the Director of Military Intelligence, who has now become the Director-General of Mobilisation and Military Intelligence — with the *ex-officio* rank of Lieut.-General — and one of the most important members of the Headquarters Staff — of itself materially affects the position of the Department for the future. But this and the introduction of the Director-General to the Defence Committee will be best considered in connection with the general organisation of the War Office.

War Office Organisation.

264. War Office Organisation and its reform involve questions so numerous, so important, and so complicated that it would under any circumstances be inexpedient to include their detailed consideration in an enquiry which had to cover a great deal of ground in other directions and for other purposes. But in the present case it would be undertaken under this additional and serious disadvantage, *i. e.*, that the main part of the work of the Commission is concerned with the period before and during the War, and that since that time the circumstances have completely changed. There is scarcely a department of the War Office in which changes have not been effected as a result of, or at any rate following upon, the events and experience of the War. To criticise the conditions prevailing before the War would be to beat the air; to make an examination of present conditions would imply a review of much that is still in the experimental stage, and in which recourse must be had for authentic information, not to the evidence before the Commission, but to statements made in the House of Commons. The only practical course is to concentrate attention on those parts of the system which the War has brought into prominence, and to rely principally on the evidence recorded in the Minutes of the Commission itself. || 265. It has been pointed out in an earlier portion of this Report that the work of the Intelligence Department to which allusion has just been made has been inseparably connected with the definition of the position and functions of the Commander-in-Chief. It is notorious that on this subject there has been much difference of opinion and controversy. But, following the procedure indicated above, and dealing chiefly with the evidence which

has been given before the Commission, it will be observed that, during the period of the War, and of the preparation for the War, the position of the Commander-in-Chief was regulated by the Order in Council of 1895, and it will be remembered that the Government in adopting this Order deliberately set aside the Report of the Royal Commission on the Naval and Military Departments presided over by Lord Hartington, now the Duke of Devonshire, which in 1890 recommended the abolition of the office of Commander-in Chief. || 266. The nature of the different proposals, and of the changes carried out by the Order of 1895, are succinctly stated in the following quotation from a Memorandum by Lord Lansdowne, dated 8th May, 1899: — || „A few days before the present Government took office in 1895, Sir Henry Campbell-Bannerman had announced to the House of Commons that the retirement of His Royal Highness the Duke of Cambridge was to take place on the 1st October next, and he proceeded to give a general indication of the arrangements which were to follow His Royal Highness's relinquishment of office. Those arrangements were to be in accordance with the ‚main principles' of the Hartington Commission, which, it will be remembered, had advocated the abolition of the office of Commander-in-Chief, the distribution of his duties among the heads of the Military departments, and the appointment of a Chief of the Staff. The recommendations of the Hartington Commission had received considerable public support. || Under Sir Henry Campbell-Bannerman's scheme there was to be substituted for the appointment of ‚Commander-in-Chief', as it then existed, the appointment of a ‚General Officer Commanding-in-Chief', with ‚greatly modified functions', and holding office for five years under the ordinary rules. || The manner in which these arrangements were to be carried out formed the subject of considerable discussion. It was particularly desired that the Commander-in-Chief should be given a distinct preeminence with regard to the other members of the Army Board, and that he should be described as ‚the principal adviser' of the Secretary of State. The old title of Commander-in-Chief was accordingly retained, and it was laid down in the Order in Council of 21st November, 1895, that he should be ‚the principal adviser of the Secretary of State on all military questions, and *shall be charged with the general supervision of the Military Departments of the War Office*. || In order still further to secure to the Commander-in-Chief this power of, general supervision', it was laid down in the details of office procedure, shortly afterwards published, that ‚all important questions will be referred to the Commander-in-Chief before submission to the Secretary of State.' || These regulations reserved to the

Commander-in-Chief a far larger measure of control and authority than was contemplated by the Hartington Commission, by the late Government, or by the advocates of decentralisation in the Press. || In justice to Lord Wolseley, his view of the situation is quoted in juxtaposition to the above. || „The duties that I conceived devolved upon the Commander-in-Chief were to supply the men required, and, of course, with the men, as far as possible, to supply also whatever was required for those troops in the way of military stores, ammunition, &c., pointing out to you that as regards those provisions of stores and ammunition the constitution of the War Office at the time I was Commander-in-Chief took away from the officer who holds that position in the Army very much of the control of those affairs. As I suppose every one of the Commission is aware, when I was Commander-in-Chief the War Office was divided into four great departments — the Adjutant-General, the Quartermaster-General, the Inspector-General of Fortifications, and the Director-General of Ordnance. Now, of all those four officers not one of them was an officer belonging to the Commander-in-Chief; they were all officers belonging, I might say, to the Secretary of State for War, and went to him and saw him without any sort of knowledge whatever of the Commander-in-Chief. They were, in fact, to a very great extent, each a sort of water-tight compartment of the War Office. I am glad to say that, from personal knowledge of all the officers concerned at the heads of those departments, they were all old colleagues of mine, and I do not think in any single instance they ever kept from me personally anything that they told to the Secretary of State for War. I have no complaint to urge against them whatever; they were most loyal to me throughout; they invariably told me, when sent for by the Secretary of State for War, what the Secretary of State for War had said to them. But, as I conceive the duties of a man in the position of Commander-in-Chief of the Army, especially an Army constituted as ours is, scattered all over the world, it is most essential that all the military functionaries carrying out the various duties in connection with the Army should be absolutely staff officers of the Commander-in-Chief, and not of the Secretary of State for War, unless you adopt the course that I pointed out to you yesterday, which I think is the true course, which is to have the Secretary of State for War a soldier himself.“ || In answer to the next question he again insisted on „the absolute necessity of making the Commander-in-Chief supreme in the Army. Whether you make him a subordinate or not to the Secretary of State for War, whatever may be the position you give him, he must be, according to my notions of Army

matters, supreme upon Army matters within certain limits, that is, outside questions of increased expenditure that must be dealt with by the Secretary of State for War."

267. Not only does Lord Wolseley desire the Commander-in-Chief to be supreme in the War Office, but he is also to have a position of unique independence in the Government. He is to be an *ex-officio* Member of the Cabinet. „I say that it is a great mistake, a serious inconvenience at all times, that the Commander-in-Chief should not be in the Cabinet, as I have described, and that in time of war it is a positive misfortune to the nation." And again — || „*Q.* Everything being entirely confidential within the Cabinet, you think he could be a Member of the Cabinet ex *officio*? — *A.* That would be the lowest position you can safely give him. The best arrangement would be to do away with the Commander-in-Chief altogether, and to have a Military Minister of War, as they have in all the great nations of the world — they are not fools, remember — England does not contain all the wisdom of the earth, and the other great European nations have their Minister of War, but no Commander-in-Chief, except the nominal Commander-in-Chief, the Sovereign. They have such Commanders-in-Chief as we might have here a man commanding in Ireland, another in Scotland, and another in England." || Thus, the scheme which begins with the exaltation of the Commander-in-Chief ends with a proposal for his abolition. But in reality it is the same scheme throughout, because Lord Wolseley's War Minister is to be necessarily a soldier. And the same respect for military opinion influenced the Government which framed the Order in Council of 1895· Lord Lansdowne put in a Minute which he submitted to the Cabinet on 31st October, 1895, and in justifying a departure from the scheme of the late Government, he said: „Military opinion is, moreover, unanimous in holding that the attempt to dissociate the Commander-in-Chief, even in appearance, from the control of the discipline of the Army would be fraught with danger, and that no scheme will work, or be understood by the Army, which does not give the Commander-in-Chief an undoubted right of interference in questions of discipline." And the present Secretary of State uses even stronger language. || „21 634. — *Q.* That is a matter which you have deliberately decided ought to remain on the present footing, that the Director of Military Intelligence remains as one of the staff of the Commander-in-Chief? — *A.* I think there is no doubt it must be so, unless you change the functions of the Commander-in-Chief altogether; make him an inspecting officer and a mere commanding officer of troops; in which case you will make another offi-

cer who is far more important than the Commander-in-Chief; and that I should deprecate, because the sentiment of the Army is, and always has been, to look to a Commander-in-Chief, and by no process will you ever get the Secretary of State for War to be looked upon by the Army in the same light as the First Lord of the Admiralty is looked upon by the Navy. || 21 635. — *Q.* And the result of that change that you have just described would be to make the Secretary of State practically the head of the Army? — *A.* It would be so, and I think that is to be deprecated. I think the responsibilities of the Secretary of State are already sufficiently onerous, and I should deprecate adding anything to his responsibilities unless you can add to his authority, which I do not think you can do with the Army.

268. There is no part of the War Office organisation that has been more essentially modified by changes introduced since the War than the office of Commander-in-Chief. The Council Order of 1901 reestablished his control over the Department of the Adjutant-General. The present Adjutant-General (Sir T. Kelly-Kenny) expressed strong approval of the change; and it is desirable to quote the following remark of Lord Lansdowne. || „Perhaps I should say just one word with regard to the change in the system which has been introduced by my successor — the change, I mean, which had the effect of altering the position of the Adjutant-General. Under my scheme the Adjutant-General was head of his own Department, and only under the supervision of the Commander-in-Chief. My successor, in deference to very strong expressions of military opinion, put the Adjutant-General back into a position distinctly subordinate, under the control and not under the supervision of the Commander-in-Chief. My feeling about that is, that while I adhere to the reasons which induced me to put the Adjutant-General in a quasi-independent position, I feel that in a case of that kind you cannot ignore the great weight of solid military opinion in favour of putting the Adjutant-General in a different position from the other heads of Departments — in a position, namely, of more direct subordination to the Commander-in-Chief.“ || But the formation of the new Defence Committee, and the inclusion therein of the Commander-in-Chief, and the Director-General of Mobilisation and Intelligence, is of still greater significance; and the explanation given by Mr. Brodrick may be quoted in full. || „21 732. (Chairman.) — *Q.* You have mentioned the Defence Committee of the Cabinet once or twice; could you give us the main alteration brought about by the constitution of the new Defence Committee? — *A.* The change from the old Defence Committee is a very great one. I do not

know whether the Commission is aware that the old Defence Committee, according to its constitution, did most excellent work and very useful work. It was appointed and acted mainly with respect to the Estimates, and also in resolving questions which arose between the War Office and the Admiralty. In old days this had been a subject of prolonged correspondence, and had often had to be brought before the Cabinet. The Defence Committee went into these subjects, and decided what were the respective liabilities of the two Departments. It also was a most convenient machinery for threshing out the very serious questions which arise annually between the two Departments and the Chancellor of the Exchequer as to the necessity of expenditure on a large scale; and to that extent I think the old Defence Committee was very useful. || 21 733. — *Q*. In what sense did the estimates come before them? — Not in any detail, I should imagine, but only on certain points? — *A*. On questions of principle. For instance, when the new schemes which, after the War, or during the War, Lord Roberts and I introduced were discussed, we had a number of discussions under the presidency of the Duke of Devonshire at the old Defence Committee on them — Lord Roberts was present at four or five of them, I think — and the desirability of these changes was discussed with great care and attention. Lord Salisbury, of course, was a member of the Committee. But it was borne in upon the First Lord of the Admiralty and myself that, however useful the function of the Defence Committee was, it was absolutely necessary that we should undertake a totally different class of investigation, and that it should be decided from the point of view of the relative equipments of the two services what under modern conditions it might be necessary for both to undertake. We felt from that alone that any real economy in the two services could come. It was quite clear that the constantly-changing conditions of science may make all question of invasion of this country and our preparation for offensive and defensive action abroad very different. Consequently, Lord Selborne and I brought the whole question before the present Prime Minister as soon as he took office, that being at the time of the conclusion of the War. During the War practically the whole War Office was worked to such a degree that it would have been impossible to attempt a fresh organisation of this kind when the pressure was very severe. The new Defence Committee, as I think the Commission knows from the statements in Parliament, has, as I think, the great advantage of combining with members of the Cabinet the most influential representatives, experts, of the two services, and it also calls in as occasion needs representatives either of the India Office

or Colonial Office, or any other Department affected. The effect of the deliberations of this Committee may be very extensive. It is obvious that their decision, so far as a decision of any body of men can govern it, must govern our preparations both by land and sea. So far as my Department is concerned, nothing which has been hitherto resolved upon as our force either for defence or for offence abroad can be regarded as settled, as apart from the deliberations of this Committee. If, for instance, they should decide that the possibility of invasion has been so enormously decreased by modern science that we can afford to a large extent to disregard it, that would cause a considerable alteration in the Army Estimates. But, of course, as was explained by the Prime Minister, the functions which he assigns to the Committee are deliberative and not executive. He does not favour the Committee being used (as the old Committee was) as a means of discussing Estimates, at all events until they have dealt with the much more pressing question of what will be the policy of the country in a variety of contingencies which must be submitted to them, and on those questions of policy depend perhaps more largely than anything else what the Estimates for the year will be.

21 734. — Q. Are the Estimates not intended to go before this Committee as they went before the last? — *A.* I think the Prime Minister's view is that the Estimates would not as a rule go before them, but that their business is the larger questions of policy. But I am far from saying that questions of high importance or principle would not go before them. I think, to take a case, just as I discussed with the Defence Committee of the Cabinet (and Lord Roberts was, of course, present) the question of abolishing the old Militia Reserve and substituting a new Militia Reserve, that might go before the present Defence Committee, but that is not what it was mainly founded for. || 21 735. — Q. Would they discuss what was under the Orders in Council one of the chief duties of the Commander-in-Chief, namely, the preparation of offensive and defensive schemes; would those schemes come before the Defense Committee? — *A.* I think that such schemes would not necessarily come before the Defence Committee. The Defence Committee would ask, and has asked in very great detail to examine the schemes which have been proposed for certain operations, defensive and offensive, but the responsibility of the Commander-in-Chief to provide such schemes would not be exhausted by what might be asked by the Defence Committee. For instance, the Defence Committee would take it for granted that the Commander-in-Chief had made up his mind on what principle our posi-

tions in South Africa should be defended against any possible incursion from natives adjoining. They would not very possibly have gone into that question; they would deal with the larger questions such as, say, the North-West Frontier of India, on which they would go with great minuteness into the proposals of the Commander-in-Chief in order to estimate what it was necessary for them to recommend in connection with it. || 21 736. — *Q.* Under the Order in Council of 1895 it was the duty of the Commander-in-Chief — he was the person responsible for all schemes of offence and defence? Was not that so? — *A.* Yes; the Order would not be the least disturbed by it; his functions remain the same, but he has at times to submit these schemes to a still higher authority, not in order to modify his schemes, but in order to estimate the effect of them. || 21 737. — *Q.* Quite so, but would it not be a function of the Committee in a case where there was a danger of complications in the immediate future to require from the Commander-in-Chief the schemes which it is his duty to prepare? — *A.* I do not think such a state of things as existed in 1899, as shown in the evidence before the Commission, could again exist. I think that the Committee of Defence would make it their business at a very early moment of the negotiations to call upon the Commander-in-Chief to inform them what were his plans, what would be his requirements under a variety of circumstances; and I imagine that the establishment of the Defence Committee on the present basis is the best guarantee that the country could have that we shall not again be placed in a position of doubt under such circumstances. || 21 738. — *Q.* Therefore, though the responsibility of the Commander-in-Chief may remain as it was under the Order in Council of 1895, his position in the matter is considerably modified by the institution of the Defence Committee? — *A.* I should have rather said strengthened than modified. It is strengthened by the fact that his responsibility will be shared, or rather, the responsibility of adopting his schemes. He will be given the opportunity early in the day of urging upon some of the most responsible members of the Cabinet to adopt his scheme, and his position will be strengthened by the fact that early in the day they will be aware of what they are committing themselves to. || 21 739. (Lord Strathcona and Mount Royal.) — *Q.* It would be within the province of that Committee to inquire into anything that the Commander-in-Chief might put forward, that would be entirely in order? — *A.* Yes, every member of that Committee has the same power of initiative. || 21 740. (Chairman.) — *Q.* You have said that one of your main objects was to bring about a combination between the War Office

and the Admiralty? — *A.* Yes, there is no doubt that the whole position of the War Office and the Admiralty is brought much closer by such a Committee. I do not think anything the Committee can do will ever in any way release the head of the Admiralty or the head of the War Office from his responsibility, but it will undoubtedly co-ordinate their work to a much greater degree than heretofore, and I think it may lead in the end to a very considerable saving of public money."

270. It can scarcely be denied that under the arrangements thus described much of the objection taken by Lord Wolseley falls to the ground. Short of his being a Member of the Cabinet, it would be difficult more effectually to secure that the views of the Commander-in-Chief and the military opinion of the War Office should be known to the Cabinet. Though his functions may remain the same as regards the preparations of schemes of offence and defence, still, as Mr. Brodrick states, his „position is strengthened by the fact that his responsibility will be shared, or rather the responsibility of adopting his schemes." The Committee we were told would, if there were again a possibility of war, call for plans at an early date, and such a state of things as existed in 1899 could not again exist. || 271. Finally, it is said that the Committee will co-ordinate the work of the Admiralty and War Office to a much greater degree than heretofore, with the prospect of a very considerable saving of public money. If this means that the Committee will satisfy itself that the stores and equipment of the two Departments are adequately maintained, there will be some measure of security against a recurrence of the deficiencies disclosed by Sir H. Brackenbury's Memorandum of 1899, and a guarantee liable to fewer difficulties than the Commander-in-Chief's Certificate suggested by Lord Wolseley, to which Lord Lansdowne and Mr. Brodrick took strong exception. || 272. The position of the Head of the Intelligence Department is still more materially changed by his introduction into the Defence Committee. It is true that he is to remain on the Staff of the Commander-in-Chief for the reasons given by Mr. Brodrick in an answer already quoted; but it is recognised that the advisory functions which he is to exercise are so important that he must be kept free from all executive work, and in view of the opportunities which he will possess of expressing his opinion it is, here again, to be hoped that the state of affairs in 1899 cannot recur. || 273. No defect in War Office organisation has excited more hostile criticism than the want of consultative power which has characterised its administration. The Royal Commission of 1890 commented adversely on the then condition of matters, and especially on the „wholesale recourse" to separate and

independent Committees; and in the 10 years which followed that Report the evil which it condemned was certainly not removed though there were some attempts at improvement. One great difficulty in estimating the various Committees and Boards of the War Office at their true value is still the fact that they have been so numerous and so indeterminate in their functions. || 274. Sir Ralph Knox stated that the War Office Council came into existence in May 1890. He added: — || „Of course, there had always been meetings in the Secretary of State's room: that is the way much of the business was carried on when it came before the Secretary of State; but I see it was in 1890 that the War Office Council was first recognised, and it was not an outcome of the 1895 organisation." || — The Council established in 1895 met at irregular intervals, being summoned by the Secretary of State for the consideration of subjects chosen by himself, no other member having any right to initiate a discussion. Lord Lansdowne maintains that in practice no member would have been denied an opportunity had he desired it, but he admits that it is an advantage to preserve the independence of the individual, and that this is better done by the system which has now been adopted. The Council now meets regularly once a week, keeps Minutes of its Proceedings, and, according to the present Secretary of State, conducts its business in a manner well calculated to minimise the difficulties arising out of the variety of interests in the Office. But it is premature to say whether or no the present form of organisation has removed the defects noticed in the past.

275. Our attention was pointedly drawn, as already noticed in the Report, to the good work done by what was called the Army Board in connection with the War. The Minutes of the Board were submitted to the Commission, the first being dated July 1899. || The history of the formation of this Army Board was told by Lord Lansdowne and Sir G. Fleetwood Wilson. || Lord Lansdowne said: — || „The new Army Board, which is a convenient way of describing it, came into existence in this manner: There was already, as part of the machinery of the War Office, a Committee for Mobilisation, which was supposed to be assembled whenever there was war. The Committee consisted of 19 members, and it became apparent at the very outset that that body was not a well-composed body for the purpose of dealing expeditiously with the kind of points which arose from day to day. I therefore substituted for it a Board comprising the old Army Board — that is the Board consisting of the Commander-in-Chief, the Adjutant-General, the Quartermaster-General, the Inspector-General of Fortifications, and the Director-General

of Ordnance, with the addition of the Accountant-General and the Assistant Under-Secretary of State. I made those additions because I thought it extremely desirable that the soldiers should have, so to speak, in their pocket two members of the permanent civilian staff of the War Office, who would be able to tell them, the one about the back history of any question that might come up, and the other about, its financial aspects. That body not constantly, and I believe you have seen its minutes. I have always thought that it did its work eytremely well, and that it was a valuable addition to the machinery of the War Office at such a time.“ || Sir G. Fleetwood Wilson said: — || „6067. A perusal of the minutes will have enabled the Commission to gauge the value of the Army Board as a consultative and advisory body. The office memoranda before the Commission indicate its composition and its functions, but I understand that you would like a brief review of its creation and development. When, in June 1899, the Government were considering the reinforcement of the forces in South Africa, the old confidential Mobilisation Committee was assembled, the Adjutant-General presided at it. It was at once realised that such a body had neither the consitution nor the powers which the emergency called for. Accordingly the Commander-in-Chief assembled and presided over a special committee to advise on matters relating to the South African crisis. The Board sat as the Commander-in-Chief's Committee from July 13th, 1899, onwards. Its at for the first time as ‚The Army Board for Mobilisation Purposes,‘ on September 11th, 1899, and its existence was officially established by office memorandum of September 21st, 1899. It was constituted ‚The Army Board‘ by office memorandum of May 28th, 1900, and first sat as such on the 11th June, 1900. Irrespective of mobilisation and war, a small Army Board had been in existence as a Promotion Board, and had been used, although it was a Promotion Board, for the discussion of any subject which the Commander-in-Chief wished to have brought up. || 6068. *Q.* Was the Commander-in-Chief President of it? — *A.* The Commander-in-Chief was President of it. In September 1899 this Board was amended, so to speak, by office memorandum of September 21st, 1899, which added the Assistant Under Secretary of State, the Military Secretary, the Director of Military Intelligence, and the Accountant-General to that Board. On May 28th, 1900, it having been found that the functions of the Army Board were somewhat illdefined, and that the questions of promotion and selection intermingled with non-cognate matters, an office memorandum was issued, constituting three Boards, viz., the Army Board, a Promotion Board, and a Selection Board. The constitution and the functions of the three Boards

were clearly laid down (you have the papers before you). Since then, as you know, a permanent Executive Committee of the War Office has been established, and that same War Office Memorandum reaffirmed the existence of the Army Board, of which I am a member, and which is now under your consideration. || 6069. *Q*. When you speak of the Permanent Executive Committee, do you mean what is called the War Office Council? — *A*. No, the War Office Council is a Council presided over by the Secretary of State; the Army Board is presided over by the Commander-in-Chief; and the Permanent Executive Committee has been created, and is presided over by the Permanent Under Secretary. The Selection and Promotion Boards, so far as I am aware, still sit, but they are purely military, and I have no cognisance of them."

276. It will thus be seen that the „New" Army Board succeeded another Army Board, which itself was a comparatively recent creation, having been one of the results of the re-arrangement in 1895, and that it also took over the duties of a Committee on Mobilisation. The essential feature of the „New" Army Board was that it represented the collective military opinion of the War Office, „the two civilians being present rather as assessors". The value of the expression of this collective opinion is apparent from the Minutes, and is admitted by many witnesses; but now, in the words of the Secretary of State, „The Army Board has rather fallen into — I will not say disuse; it has met 12 times since October 1901; but that it is entirely at the option of the Commander-in-Chief." The explanation of the Commander-in-Chief is that „the War Office Council takes up all sorts of little trivial matters and things which the Army Board could settle, and used to settle." And Sir G. Fleetwood Wilson is evidently of the same opinion, and gives reasons for preferring, at any rate, a preliminary discussion by the Army Board. Mr. Brodrick does not consider continuous sittings of this Board so necessary in peace time, and prefers to use the War Office Council, as now constituted, for reasons which are no doubt of weight. || „The real importance of the Army Board is to focus military opinions on certain points. My own feeling is that the military opinion could be much better focussed at the War Office Council. Perhaps, if it is not too lengthy, I might give the Commission an illustration or two of what I mean. There are two ways of looking at all Army matters. There is the Council of perfection which would make it necessary for a Commander-in-Chief and his subordinates to ask for an enormous expenditure on services which, ideally speaking, it would be desirable to have, but which in reference to the public purse and to the probabi-

lities of a campaign you cannot expect to have. Take for instance this: We might have to fight in India, or in South Africa, or in Egypt, or in some other climate. It might be argued that the Commander-in-Chief was bound to ask for all the clothing which would be necessary for troops to operate in all those climates, and for all transport which would be necessary to mobilise in all those different countries. It is very difficult for a body of officers sitting under the Commander-in-Chief not to feel themselves bound to ask for the extreme amount. Secondly, there is also great difficulty in getting officers of high rank to express opinions discordant from each other and from the Commander-in-Chief. Military subordination is at the root of the whole of their thoughts and feelings. The Artilleryman (the Director-General of Ordnance) would not willingly interfere with a proposal made by the Inspector-General of Fortifications; the Adjutant-General would be chary of interfering with the business of the Quartermaster-General; and all of them would be chary, and I think are chary, of differing with the opinion of their own chief, the Commander-in-Chief. Now, at the War Office Council matters are conducted differently in the last two years. In the first place, all the subjects discussed are discussed face to face with the civilians; and the one thing to which I have chiefly directed effort since I have had the control of the War Office has been to prevent the discussion of questions between the two sides of the House, the soldiers and the civilians, as if we were two antagonistic bodies sitting constantly and keeping a check upon each other. And I believe that the only way to do that is to bring soldiers and civilians face to face in the earlier stages of a controversy."

277. On the other hand, he indicates a sphere of work for the Army Board. Asked whether the Army Board might not „undertake a certain proportion of the decision, up to a certain point, of military matters, and so relieve the War Office Council of work in that matter," he replied: — || „I think what they would more fairly relieve would be the minutewriting between themselves, between the military departments and the civil departments. I think there are many points where a question comes up affecting several departments, where the Commander-in-Chief might very well call together the Army Board to discuss and thrash out the matter in perhaps an hour, which at present involves a great many discussions on paper." || 278. We are confident that nothing is more fatal than to overload with a mass of details a Board to which is to be entrusted decisions of the highest importance, and we cannot help feeling that upon this rock many War Office reforms have been wrecked. Mr. Brodrick himself mentions a case which he says „is an argument for

keeping the subjects for discussion at the Army Board and at the War Office Council to some extent distinct." We would go further, and say that, if there were a clear definition of duties, not only might there be room for both Boards, but the authority and usefulness of the higher of the two, the War Office Council, would be increased by its relief from routine and restriction to matters of first-class importance. || 279. Moreover, close definition is of the essence of the proposal from which the present constitution of the War Office Council originated, which is to be found in the Report of a Committee presided over by Sir Clinton Dawkins. Among other matters referred to this Committee for consideration was the question „whether the present method of conducting the administrative and financial business of the War Office, and its distribution as between the Civil and Military Departments, is satisfactory." The Committee was also instructed to report any amendments of procedure which would bring the work of the War Office more into harmony with that of large business undertakings." || The Committee summarised their conclusions in paragraph 131 of their Report. Among these is the following: || „To establish a War Office Board on a permanent basis, with clearly defined duties and powers, which, acting under the authority of the Secretary of State, and without in any way detracting from the individual responsibilities of the Commander-in-Chief and of the Military Heads of Departments, would control and supervise the business of the War Office as a whole." || We have been supplied by the War Office with the following statement of the steps taken by the Secretary of State in connection with this recommendation: || „The recommendations of the Committee have been accepted, and the War Office Council has been adapted, under its present designation, to meet them. The Council has met regularly at fixed dates during the last fourteen months, and its members have the power of individually bringing forward, for discussion by the Council, matters of importance. || The recommendations of the Council will, as heretofore, be subject to the decision of the Secretary of State. || The Army Board continues, but its members are permitted the right of initiating the consideration of important subjects. || In order that the work of the Office may be properly supervised and controlled with the view of securing combined action of the various branches and of preventing delays, an Executive Committee of the War Office has been appointed, of which the Permanent Under-Secretary of State is chairman, and its members a senior representative from each of the Civil and Military Departments. This Committee has met twice a week for the last fourteen months."

280. It appears to us that there is still a weak link in the chain of authorities in the loose definition of the position and duties of the Army Board, and that the recommendations of the Dawkins Committee can hardly be said to have been carried out until the permanency on which it insisted is more fully secured. The Secretary of State, in referring to the War Office Council, which he clearly means to represent as being the War Office Board of the Dawkins Committee, prides himself on the fact that: „The change which I made when I came to the War Office in 1900, or which I carried out afterwards and set on foot, was to establish the War Office Council on a permanent basis. Up to that time it had met intermittently. It had taken up only such questions as the Secretary of State from time to time submitted to it; it had practically very little in the way of records; there was a record only of decisions, and no record of the opinions expressed. I thought it necessary to have a Council with much more extended powers, in which each member should be able to bring up any subject that he desired, and that the opinions of individual officers should be registered and notes taken of them for future reference. Of course I reserved the power which the Secretary of State is bound constitutionally to reserve of his giving or not giving an opinion, and of his, if necessary, over-ruling on the part of the Government the opinion of others. But I saw great advantage in that working, because it left no doubt, and it leaves no doubt at present after a subject has been discussed, first of all, whether there has been any difference of military opinion in the matter, and secondly, what the Secretary of State's reasons are if he disagrees with his colleagues." There is much in this opinion to which we entertain no objection; but it seems to us to fail to secure the permanency of the arrangements described. The constitution of the War Office Council is, as we understand, to rest, as heretofore, on a memorandum by the Secretary of State, which he can himself revoke. We do not think that this was the intention of the Dawkins Committee, or that there is any reason why this particular form of constitution should be maintained. The duties of most of the high officers, who are members of the War Office Council, are already defined by Orders in Council, and, in our opinion, there is still more reason that the duties which they are to perform as members of the Council, and the constitution of the Council itself, should be defined with the same formality. The issue of an Order in Council would give the whole arrangement a more correct status, and a larger measure of permanency. || 281. There was an inclination on the part of some of the witnesses from the military side of the office to complain of the financial

management, and there seemed to be an impression that demands which they put forward did not always receive the consideration they deserved. The allegation was that all negotiations with the Treasury passed into the hands of the financial departments of the War Office, the soldier having no opportunity of defending his own proposal. It appeared, however, to us from the first that there was some misunderstanding on this matter, and Lord Lansdowne, who could of course speak authoritatively on such a subject, confirmed that impression. It is clear that in the case of all expenditure of importance — certainly when it is new expenditure affecting the Estimates for the following year — the discussion, supposing a difficulty to arise as to providing funds, would be between the Secretary of State and the Chancellor of the Exchequer. As to minor questions arising during the financial year, Lord Lansdowne says: „I have never heard that the Treasury was unfair to the War Office; on the contrary, although their business is to criticise, I have never heard that their criticism was unfairly exercised." And this is borne out by the statement for the four years 1895—1899 lodged by the Accountant-General as his reply to questions which were put to him on this point, which sets forth that „in no case of real importance that we could discover has sanction been refused to any expenditure which the Secretary of State for War held to be urgently required in the interests of the public service." || 282. Sir Clinton Dawkins' Committee insisted on the necessity of decentralisation, and we were informed that a policy of decentralisation was being carried out as rapidly as possible. At the same time it is right to point out that it is a policy which can only be adopted within certain limits. The analogy of the German Army can be pushed too far. Not only are the German Corps Army Corps, but they are permanently fixed in the geographical districts which produce them, and the Emperor when he visits a garrison finds always the same troops, either in the same place, or within a few miles. A system of watertight compartments will not, however, apply to an army which depends on voluntary enlistment, and where, owing to the necessity of providing for reliefs, there is a constant change of units. || 283. Moreover, it is undoubtedly true that „the system in Parliament of asking questions on small points appears to make decentralisation almost impossible in some cases." We recognise that there can be no interference with the privilege of Parliament, but it is of no use to call for a devolution of authority, and at the same time to insist on the personal responsibility of the Secretary of State in a manner entirely subversive of the definition ot duties by which alone authority can be devolved. So great is the mul-

tiplicity of conditions under which men serve in the Army, certainly greater than in the sister service of the Navy, that the opportunity for interrogation is enormous, and the responsibility for keeping a right so valuable from abuse must rest with Parliament itself.

All which we humbly submit to Your Majesty's gracious consideration.

(Signed) Elgin.
Esher.
Strathcona.
George Taubman-Goldie.
H. W. Norman.
J. O. Hopkins.
Fredk. M. Darley.
John Edge.
John Jackson.

9 July 1903. Bernard Holland, Secretary.

Die mazedonische Frage 1903*).

Nr. 13234. **GROSSBRITANNIEN.** — Der Generalkonsul in Saloniki an den englischen Botschafter in Konstantinopel. Bericht über den Zustand in Mazedonien.

Salonica, February 25, 1903. (March 16.)

Sir, || There is very little doubt that an insurrectionary movement of some sort against the Government will take place this spring in Macedonia, and the only question then is how far the movement will spread and what importance will it assume. || As things are now — that is, with the bands already existing here and those crossing the frontier against the real wish of Bulgaria, and meeting with a more or less cordial reception from part of the Exarchists in Macedonia — it seems hardly likely that the rising can become general. || It is more than doubtful whether the bands will induce any great percentage of the population to take up arms, willingly or unwillingly, in their favour. || Although, besides the encounters which may be expected to occur along the frontier, where the population has been exasperated by the ill-treatment it suffered recently during the Turkish search for arms, and which small parties of armed men may cross in spite of the utmost endeavours on both sides to prevent them, a more determined effort against the Government may be made in some inland centres, such as those of Stroumnitsa and Kilkish in this vilayet, and in some cazas of the Vilayet of Monastir; yet the bands, well organized and numerous as they are, cannot exert the pressure on the peasantry as a whole necessary to force it to rise with them, for the latter would require some assurance of subsequent protection from retribution on the part of the Government — an assurance which can only come from without. The movement in the other parts of these vilayets will in all probability be limited to indivi-

*) Die Aktenstücke entstammen den Blaubüchern Cd. 1875 u. 1879. Vergl. Bd. 68 S. 1 ff. und „Europ. Geschichtskal.“ 1903. — Die eingeklammerten Daten geben das Datum der Ankunft in London an. Red.

dual and spasmodic efforts. || The new tactics which, I hear, the bands are about to employ with regard to inland districts where flight to the mountains is difficult are that of scouring the villages and forcing all the able-bodied men, whether Bulgarians, Greeks, Servians, or Vlachs, to follow them, will add to their numbers; but they will be leading a host of unwilling victims to the slaughter — which will, however, have the great advantage of giving the movement the semblance, in the eyes of Europe, of an uprising of the Christian population against the Government. || One thing is certain: the larger the band the less mobile and the more easy to exterminate will it be, whereas guerillas would keep the country in unrest and be very difficult to cope with. || The real danger, in my humble opinion, is that the Committees may organize a series of incidents, murders, &c., to take place simultaneously throughout the whole of the three vilayets, not excepting, but rather especially in, the capitals and larger towns, with a view to showing that the country is a prey to anarchy, and with the object of provoking a panic, with its usual disastrous results. || I had the opportunity of witnessing panics in Crete, and nobody who has not seen one can imagine how little it takes to raise one, how much to allay it (if allayed it can be), and what far-reaching consequences it can have. || I thought it my duty to warn the Vali of this possibility, in order that he may not be taken unawares, and I have since been confirmed in my expectation by the news given me to-day that, among a number of plans devised for creating a panic, it is arranged that the Bulgarians of some neighbouring farms and villages shall, in case a foreign warship appear in the harbour, rush down shouting wildly that massacres have begun in the interior. This, together with the murder of a handful of peasants, would produce a very appreciable panic. || I do not wish to prophesy, but I thought it right to let you know the course into which events may drift.

Alfred Biliotti.

Nr. 13235. **GROSSBRITANNIEN.** — Derselbe an Denselben. Dasselbe.

Salonica, February 28, 1903. (March 16.)

Sir, || About ten days ago I received a somewhat alarming report from a Christian, in whose statements I considered I could place faith, regarding the exasperation among the Moslems, and the possibility of their retaliating on the local Rayahs for the murders, &c., committed on their co-religionists by the Bulgarian bands in some of the neighbouring

cazas of this vilayet. || I therefore lost no time in sending a confidential agent to Doiran, Stroumnitsa, Gevgeli, Yenijé, Vardar, and Vodéna, and have now the honour to submit to your Excellency the contents of his report to me. || The following are the murders of Moslems already reported by me during the last four months: — || In November, two Coldjis of the Régie; in December, one of two Albanians shot at; in January, two Albanian shepherds and two rural guards (whose heads, according to my agent's report, were thrown to the dogs to eat); in February, Mehmed Aga, the gendarme — giving the total of eight Moslems killed by the bands without provocation. || My agent adds to these the murder by three Greco-Vlachs of a renegade in January, and gives details of the disgusting desecration and mutilation of his corpse. The three murderers joined a Bulgarian band, but the Beys have not allowed their co-religionists to avenge the death of their comrade. || On the 16th February, Ali, servant of Deli Ahmed, of Veleusa, was beheaded with an axe, near the village, and his head thrown at a distance from the body. || The same day the bands carried off from Nisi — a farm belonging to an Albanian named Seifoullah Bey — the Soubashi Nasif Aga, also an Albanian, who has not been heard of since. He had more than once denounced the bands to the local authority. || And yet the feeling of the Moslem population towards the Christians is not represented to me as indicating danger. The Turks, in fact, appear to be cowed, and I hear from different quarters — *e. g.*, Mr. Coneménos concerning Prevesa, a private individual concerning Uskub, and my agent concerning Karadjova — that they have dropped the obnoxious tone which they used to adopt towards the Christians, and have become very much quieter and more considerate. In Karadjova this change is reported to me as being due to the military Bimbashi, a Negro, who does his utmost to control the turbulent among the population, and to maintain order without giving cause for complaint to either side. || Only from the town of Doiran do I hear of fanaticism, led apparently by the Kaïmakam, a „dunmé", who is over-zealous in his attachment to the Koran. As an example, the case of a Christian Gipsy is reported whom he accepted as a convert to Islam without the consent of her husband, and in the absence of the Bishop, though not entirely without the formalities enjoined by the law. || In other parts of the country the Moslem population, especially that of the villages, is so uncertain of what is in store for them that, in spite of what is said to the contrary, there is no chance of their molesting the Christians; and even if a few hot-headed young Turks were to attempt anything the authorities would stop them. ||

As I was writing the present report, a foreigner living in the country told me of a case in which about thirty young Moslems suddenly took up their rifles and made for the nearest Christian village with the intention of burning it down. They had got within a few minutes' walk of their object when the hastily summoned troops arrived and enjoined them, with loaded rifles, to retire, which they did. || My agent reports as follows on the cazas: — || 1. *Doiran.* — Though the Bulgarians, relying on the bands in the neighbourhood, especially that of Alexis of Poroia, speak boldly of an insurrection, &c., they keep quiet, and the situation is not serious, and, though the Committees are working hard to prepare the ground, there is none actually established in the caza, and no crimes, &c., have occurred of late. || 2. *Stroumnitsa.* — The situation becomes daily graver, the bands stronger and bolder. They live in the villages, the inhabitants of which dare not denounce them. The Bulgarians are very fanatical, believing that autonomy will shortly be proclaimed, and that, as a consequence, the Turks will be desinherited, and their Chiftliks go to the Christians. || They hold out as an inducement to the Patriarchists to join them that they will be allowed to retain their religion, their language, and their schools; they have only to work with them for autonomy. Committee tax-collectors traverse the country regularly collecting the taxes levied by one of their members in each village every fortnight or month from every person without regard to sex or age — no longer one, but two, metalliques (or 1 *d.*) per week. These imposts are bitterly resented even by the Bulgarians, but they dare not object to them. || Sure that a revolution will be proclaimed shortly, the peasants are carrying flour and salt pork to the mountains, hiding them there against the coming troubles. || The Moslem population are in a state of great anxiety, not knowing what may happen, and the opinion prevails among the people who may be supposed to know that massacres of Patriarchists will take place before long by the Bulgarians, dressed in Turkish uniforms or Bashi-Bozouk clothes, to force the intervention of Europe. || 3. *Yenijé.* — In the Caza of Yenijé, to which Goumenjé belongs, the bands exist only in the north-east, and are those of Apostoli, Arghyri, Yovan, and Trentso, which are mostly composed of local insurgents and commanded also by them, and hide chiefly in the villages of the district called „Vardaria“ and at Karasouli. Though not as active as those of Stroumnitsa, on account of their propinquity to Turkish and Greek villages, they work hard in a quiet way in the interests of the Committees. || On the 19th instant a lieutenant and eighteen soldiers, who were escorting some twenty suspect villagers of Todortsi, in the plain of Karadjova,

to Yenijé, were waylaid by Arghyri's band, which, it is said, effected a rescue without bloodshed, and went off with the prisoners and the weapons of the soldiers, who were unable, owing to the nature of the ground, to offer any resistance. || 4. *Gévgeti.* — Here, as in Stroumnitsa, the toll system is actively pursued. The bands live at the expense of the Patriarchists, because the resources of the Exarchists are exhausted and because they wish to force the former to abet them. The majority of the bands are in the Vlach villages, where the Roumanophils, *i.e.*, Panslavists, backed by the bands, are intriguing actively against the Grécophils or Greco-Vlachs. || The Moslem population appears too terrified to attack the Bulgarians. The 20th instant a villager of Diavato, one and a-half hours' from Gévgéli, whose brothers have long served with the bands, was killed near his village. The Turks are accused of the crime, but the matter is still doubtful. || 5. *Vodena.* — Two new bands under Lazo, of Sarakinovo, and Gotsé, of Patéli, are working the caza, especially the Patriarchist villages, where they assure the inhabitants that they may remain Patriarchists if they will only help them to free Macedonia. || The band recently forced guns on the Greek village of Lokovetz in the plain of Karadjova; but the villagers could not pay for them, and refused to give up a sum of 20 *l.* belonging to the church. So they were forced to guarantee a monthly subscription of 1 *l.*, as no guns are ever given without payment. In order to make the extortion of money less objectionable, the tax-collectors give the peasants receipts for the moneys paid, to be honoured when Macedonia is autonomous. || The foreigner to whom I referred above told me that on the whole he had never known the Turkish population so quiet and unobtrusive, but that he thinks that if once they let themselves go no consideration will stop them, and the storm will be the greater for the calm which preceded it. || He also mentioned one or two interesting details with regard to the relations between the Bulgarians and the bands. || The bands have lately been exercising a kind of ecclesiastical police and enforcing the Bishop's orders. Some two years ago the Bulgarian Archbishop of Uskub, in order to put a check on the extravagance of the Bulgarian men then getting married, forbade the putting up of the marriageable girls to auction, and fixed a nominal fee of 3 *l.* to be levied by the father. This order remained a dead letter till lately, when the bands saw in its enforcement a means of profit to themselves. They have in three cases, reported out of many, made the fathers disgorge the difference between the 3 *l.* and the sums they received. In one case it was 9 *l.*, in another 5 *l.*, and in the third 12 *l.* || In the latter, the father denied having received 15 *l.*, and had to be sworn,

for which he was charged a fee of 1 *l.* || My informant tells me further that where a man is known to have given notice to the police of the action of a band, he is warned and only murdered on his offending twice. In his district, he says, the bands have discarded the use of the knife, as leaving too many traces behind, and taken to using a rope and strangling. A certain baker, a well-to-do inhabitant of Negotin, was condemned to death for repeated spying and entering a house of the village one evening to see a friend — disappeared. || The Christian part of the gendarmerie is being filled with spies, the Turks according to my informant, taking only those Christians whom they had employed before. A Christian who had lately entered the police was sent as Commissaire from Uskub to Kochana, and, after being warned to give up his post, was murdered. Alfred Biliotti.

Nr. 13236. **TÜRKEI.** — Der Botschafter in London an den englischen Minister des Ausw. Kämpfe mit bulgarischen Banden.

Ambassade Impériale de Turquie, Londres, le 14 Mars, 1903. (March 16.)

Musurus Pacha présente ses compliments au Marquis de Lansdowne, et a l'honneur de porter à la connaissance de sa Seigneurie que, d'après ce que le Gouverneur-Général de Kossovo a télégraphié à la Sublime Porte en date du 26 du mois dernier, une rencontre a eu lieu entre l'armée Impériale et une bande de 150 brigands Bulgares aux environs de Ladomir et que douze brigands ont été tués et plusieurs autres blessés, tandis que, du côté des troupes Impériales, un soldat a été tué et cinq blessés. || Le susdit Gouverneur-Général a aussi annoncé par un second télégramme, portant la même date, qu'une autre rencontre a également eu lieu près d'Osmanié entre un détachement de soldats et une bande Bulgare composée de soixante-cinq brigands; douze de ces derniers ont été tués et, du côté des troupes Impériales, deux soldats ont été tués et deux blessés.

Nr. 13237. **GROSSBRITANNIEN.** — Der Generalkonsul in Saloniki an den Botschafter in Konstantinopel. Erfolge der Amnestie in Macedonien; Notwendigkeit auswärtiger Gendarmerieoffiziere.

Salonica, March 11, 1903. (March 23.)

Anlage.

Sir, || If, as I suppose, the object in view in reprieving and immediately releasing the Bulgarians imprisoned for political offences was to

assuage the violence of the Revolutionary Committees and of the bands, the amnesty has been a lamentable failure. Even the Bulgarian Agent at Salonica deprecated the measure when once it was carried out, and stated (I am told) that he had overheard some of the released Bulgarians discussing the question as to which band they should join. || The immediate result of the amnesty is undoubtedly to have increased the boldness of the Komitajis, witness their actually threatening a Consular officer, an unprecedented fact, and a letter from the Monastir agent of a large foreign firm, who reported that a certain Naoum Fontamara was murdered at Okhrida in his shop at 4 P.M. on the 5th instant, *i.e.*, immediately after the release of the Bulgarians, and that the amnestied prisoners were demanding money from merchants and others in Monastir amounting to 2000 *l.* || As his name is on the list of „subscribers“, he wrote down to his superiors to ask for instructions. || This is probably not the last we shall hear of these amnestied Bulgarians. || An opinion, held by some of my colleagues, which I considered erroneous, and which may have been one of the causes of the amnesty, is that the existence of the bands is a direct result of the maladministration of the country, and that the proposed reforms will, in abolishing the one, abolish the other. || I am convinced, on the contrary, that the bands will do their best to oppose the reforms, and maintain the present state of disorder which they themselves called into existence, and which constitutes their *raison d'être* in the eyes of Europe. || The Committees have doubtless a political object, be it autonomy or annexation, and their leaders may be men of the highest motives, but among those affiliated to their bands there are a great number of mere brigands, whose only object in perpetrating murders, &c., is their own personal gain. But whatever their motives, each party has one and the same object in view, to keep the country in disorder and oppose by all means the introduction of any measure which could calm it. Had their object been the amelioration of the condition of the native Christians, they would have tried to induce them from the beginning to join the movement and not have murdered and otherwise ill-treated them as they have done. And so deep-rooted is the dislike of the non-Bulgarians of the bands that, notwithstanding their detestation of Turkish rule, the latter will not side with them although they suffer much for not doing so. || And — be it noticed — even now that the Committees are attempting to attract Greeks, Serbs, and Vlachs to themselves by promises of better things, the improvement they say they are working for is not reform, but always the supersession of the Turk. || No order can be established so long as the bands exist,

and the only means, therefore, of establishing it is to carry on their repression at the same time as the application of the reforms. This can only be done by gendarmes commanded by foreign officers. || There is at this moment in my office a Bulgarian who is going from Consulate to Consulate with a Petition to the effect that no band existed in Vrondou (Brodi), and that the burning of eleven houses and nine barns by the troops on the plea of dislodging agitators who were not there was an act of pure malevolence, which caused the village a loss of 2000 *l*. It is not denied, however, that while the troops did not fire on any native, nor any native on the troops, yet the latter lost two killed. The difficulty is ingeniously explained away by one of my colleagues, who says that while the troops were blazing away at empty houses, a couple of Mauser bullets found their billet across the intervening walls in two of their own comrades. || The mere presence of an European officer of gendarmerie will do more than anything else to inspire the populations with confidence in the proposed reforms and in the intention to exterminate the bands and to break the fetters of the terrorism which now binds them. || I cannot, therefore, insist too strongly or too often on the absolute necessity of immediately dispatching to Macedonia the foreign gendarmerie officers, as they are enrolled, without waiting for the formation of the whole corps. Alfred Biliotti.

Nr. 13238. **GROSSBRITANNIEN.** — Der Botschafter in Petersburg an den Minister des Ausw. Unterredung mit Lamsdorff über die Haltung der bulgarischen Regierung.

St. Petersburgh, March 18, 1903. (March 23.)

My Lord, || I asked Count Lamsdorff to-day what news he had from Constantinople and the Turkish vilayets, and whether he was satisfied that serious steps were being taken to give effect to the recommendations of the Powers. || He replied that he was satisfied by the reports which he had received, both from the Russian Embassy in Constantinople and from the Russian Consulates in the vilayets, that as much progress as was possible in the time had been made. || The Porte seemed to be earnestly proceeding with the suggested reforms. || I asked him whether he was equally satisfied that the Bulgarian authorities would be able to stop the passage of the bands across the frontier. || He replied that he was inclined to think that the Bulgarians greatly exaggerated the difficulty of the task set them, which was quite within their power; the Macedonian origin of officials which had been put forward as one of the diffi-

culties was in many cases assumed, and he did not seem to think that Prince Ferdinand or the Bulgarian Government were incurring any too serious risk in carrying out the measures of repression and prevention which had been pressed upon them. Charles S. Scott.

Nr. 13239. **TÜRKEI.** — Der Botschafter in London an den englischen Minister des Ausw. Drohungen der bulgarischen Revolutionäre.

Ambassade Impériale de Turquie, Londres, le 24 Mars, 1903. (March 25.)

Musurus Pacha présente ses compliments au Marquis de Lansdowne, et a l'honneur de porter à la connaissance de sa Seigneurie que, d'après des renseignements parvenus au Commissariat Impérial à Sophia, le révolutionnaire Bulgare Sarafoff aurait écrit à un de ses amis se trouvant en cette ville que, dans le cas où le Comité Révolutionnaire fonctionnant en Bulgarie serait supprimé, il chercherait à assassiner un des Consuls de France, d'Angleterre, ou d'Allemagne à Salonique, afin d'attirer l'attention de l'Europe. || Ce fait constituant une nouvelle preuve des projets odieux nourris par les agitateurs Bulgares, Musurus Pacha a cru bien faire de communiquer ce qui précède à sa Seigneurie.

Nr. 13240. **GROSSBRITANNIEN.** — Der Gesandte in Belgrad an den Minister des Ausw. Die Serbische Regierung verspricht eine ruhige Haltung.

Belgrade, March 19, 1903. (March 30.)

My Lord, || M. Lozanitch in course of conversation to-day, spoke with satisfaction of the terms of your Lordship's statement in the House of Lords respecting the Austro-Russian plan of reforms in Macedonia, saying that it showed a feeling of sympathy with the Balkan States. He went on to say that the news he continued to receive was far from satisfactory, mentioning the case which he had heard of only this morning of a Servian priest who had been murdered at a village named Verdan, near Monastir. These outrages, he said, were undoubtedly committed by the bands from Bulgaria, who murdered those among the Christians who refused to take up arms against the Turks, thus rendering their position a very perilous one. He was not satisfied he said, with the action of the Turkish gendarmerie, who had grown careless in their protection of the Christians, and he anticipated some difficulty in reconstructing it on a satisfactory basis, mentioning that he had heard that the Sultan had

shown a preference for Scandinavian officers. || His Excellency took credit for the patient and correct attitude of Servia, which, he said, was entirely out of deference to the wishes of the Great Powers. They were continually, he said, being asked by those of Servian origin inhabiting Macedonia for advice as to what course they should adopt under these trying circumstances, and his invariable answer — out of deference to the Powers — was that that they should remain passive. This, he said, should greatly facilitate the work of pacification in Macedonia, because if those of Servian origin were to adopt a different attitude, and openly take the side of the Bulgarian insurgents, the issue would be very different. It was impossible, however, to convince others that Servia did not entertain aggressive intentions, and it was only quite recently at the Court dinner that the Turkish Minister asked him if they had not sent troops to the frontier, to which he gave his word of honour that they had not, and called the Minister of War to corroborate him. || His Excellency is fully conscious of the advantages of peace at a moment when the commerce, and notably the exports of the country, are showing a satisfactory increase. G. F. Bonham.

Nr. 13241. **GROSSBRITANNIEN.** — Der Botschafter in Konstantinopel an die englischen Konsuln in der Türkei. Instruktion, die Ausführung der Reformen zu unterstützen*).

Constantinople, March 21, 1903.

Sir, || You have learnt that His Majesty's Government have declared their readiness to give a general support to the scheme of reforms in the administration of the disturbed provinces of European Turkey prepared by the Governments of Austria-Hungary and Russia and adopted by the Sultan as supplementary to the measures which His Imperial Majesty had already instituted for the amelioration of the condition of the population in these regions, and I hope shortly to be able to send you the regulations for the effective application of these reforms which have been prepared by the Sublime Porte. || In the meantime, I have to instruct you to watch carefully the way in which these reforms are carried out by the local authorities, and to co-operate as far as you can with your Austrian and Russian colleagues, and also with the other foreign Consular officers, with a view to joint representations to the Inspector-General and the Valis when required. || You will be good enough

*) Die englische Regierung billigte die Instruktion am 2. April. Red.

to report to me as occasion requires such observations as you may have to make, whether in regard to their effective application or in respect to other points which you think may contribute to the pacification of the country and the well-being of its inhabitants, in which His Majesty's Government take so deep an interest. N. R. O'Conor.

Nr. 13242. **GROSSBRITANNIEN.** — Der Botschafter in Konstantinopel an den Minister des Ausw. Überschickt einen Auszug aus Konsularberichten. Aufstände stehen in Mazedonien bevor.

Constantinople, March 25, 1903. (March 30.)

There is very little doubt that there will be an insurrection this spring, but it is not likely that it will be general. There will be encounters along the frontier, a more determined effort in centres such as Stroumnitsa and Kilkish, and spasmodic efforts elsewhere. The bands intended to force all able-bodied men to join them to produce a semblance of rising, but this will be merely „leading a host of unwilling victims to the slaughter," and make them more easy to exterminate. The real danger is that the Committee may provoke a panic. The Vali has been warned by Sir A. Biliotti of this danger. He has since heard that when a foreign war ship appears in port the Bulgars have arranged to rush to the shore shouting that massacres have begun, which would produce a very appreciable panic. ‖ Moslems are exasperated in consequence of a series of murders reported by an agent sent for that purpose by Sir A. Biliotti as having occurred during the last four months to the number of eight. The Turks are, however, considered to be too cowed to retaliate. A Kaïmakam of Doiran, a converted Jew, is said to be the only exception. ‖ In Doiran everything is quiet, and the Committees are not established. In Stroumnitsa the situation is graver, and the bands bolder; the peasants are provisioning refugees. In Yenijé the bands exist in the north-east under Apostoli, Arghyri, and Yovan. In Gevgeli the bands are also active; at Diavato a Bulgar villager was killed. In Vodena two new bands have appeared under Lazo and Gotsé. The bands find excuse for extortion in administering ecclesiastical affairs. The Christian part of the gendarmerie is being filled with spies. ‖ On the 19th ultimo there was a fight at Tchiltik (Yenijé Vardar); one Bulgar was killed. Another on the 17th at Radovishté, when three were killed; another with the same band at Petroff Bairie, in Malesh, where of twelve Bulgars killed, one wore the uniform of a Lieutenant and six that of regulars in the Bulgarian army; one Turk was killed and five wounded.

On the 25th a fight at Vrendose led to the burning of twelve houses and a loss of three on each side. The priest of Paleo Khori was murdered. || The amnesty clause of the reforms causes general dissatisfaction to Moslems and Christians. Macedonian Bulgars are being sent back to their villages from other parts of the Empire. The release of prisoners should be postponed, or they should be rationed for some time afterwards. The appointment of foreign gendarmerie officers is advisable. || At Uskub, on the 14th February, a meeting was held between the Turkish authorities and Albanian Notables, and a mass meeting of Albanians at Lucca on the same day, in which the reforms were discussed, and the latter meeting declared against them. || Sir A. Biliotti, reporting on the complaints of the Dibra masons, confirms the reports of extortion by the Malessors, or Latini, of that locality. || The amnesty is not to apply to those implicated in charges of murder; consequently, only 123 of the 242 in the local prisons were released. Hilmi Pasha says 1000 persons have been released in all. Mr. Fontana and Mr. Pissurica doubt the wisdom of the measure. A fight occurred on the 2nd instant at Liuboina, and a Captain and three soldiers killed, with three Bulgars. Another Papa Nicholas was murdered at Virbeni and a Papa Dimitri at Assar Bey. Monastir will be the most disturbed district this summer. The reforms cause great satisfaction among the population, except the Komitajis — shared by the Bulgars in trade. They fear that they may be carried out in an inefficient and half-hearted manner, or not at all. The appointment of foreign gendarmerie officers is advisable. The band of Arghyri has been extorting money in Griva (Yenijé); to stop this requires soldiers, and not gendarmes. || Sir A. Biliotti reports that threats have been used against Mr. Pissurica, honorary Dragoman at Monastir, by the bands, and that he has apprehensions of danger to Mr. Theodorides at Serres. || The amnesty has been a failure, as it has increased the boldness of the bands. The amnestied persons have been extorting money. The bands will do their best to maintain disorder and to oppose the reforms. The Committees may have a political object, but they are largely composed of brigands. Had their object been the amelioration of the Christians' condition they would have pursued it by persuasion, and not by murder; they must be exterminated before order can be restored. This can only be done by gendarmes, with foreign officers. || A fight occurred at Boemitza (Gevgeli) on the 8th with the band of Apostoli, who lost his brother and three others — one a prisoner; three villagers were killed and two Turks. Another fight occurred at Orman Chiftlik, near Melnik, with the „Vrondou“ band; one was killed and one wounded on each side.

In another fight in Malesh the Bulgars lost fifteen killed. Nizams have replaced the Redifs on the frontier. || A fight occurred on the Osmanié plateau about the 7th March, in which thirteen Bulgars were killed. Six were killed near Gevgeli on the 11th March, soon after murdering a Greek priest. || The Bulgar Bishop of Keuprulu complains of the misconduct of Redifs in insulting schoolmistresses and girls; shops have been pillaged and the market closed. || Naoum Fortomaroff, previously reported as killed by a Bulgar, was killed by a Redif. Murders by Komitajis are reported from Goritsco, Strebneno, and Perlépé. Thirty-four villagers of Perlépé and 196 from Dampeni are in Monastir, complaining of the violence of the soldiers. Mr. Pissurica and Sir A. Biliotti attach no credence to these reports. Macedonians are said to be returning from abroad. A rich Turk was robbed at Perlépé on the 6th March. Major Riza Bey, Chief of the Monastir gendarmerie, has been imprisoned for inefficiency. || The band fighting in Malesh was led by Sarafoff and betrayed by Bulgar villagers. There were four prisoners made at Orman Chiftlik. Eight of the wounded in Malesh died subsequently. Sarafoff is busy collecting money and distributing arms in Melnik and Petritch — not in Stroumnitsa. The Bulgar Bishop is still the moving spirit of the propaganda. The amnesty has encouraged the bands. || Fifty-four prisoners have arrived at Beyrout from Salonica, and will be divided between Tripoli and Acre.

Nr. 13243. **BULGARIEN.** — Zirkular der Regierung an die Handelsagenten in der Türkei. Mahnung zur Ruhe.

Ministry of Foreign Affairs (Political Department), Sophia, February 21 (March 6), 1903*).

His Royal Highness' Government notes with regret that, in spite of the peaceful counsel and patience enjoined on the Macedonian population in its Circular No. 45 of the 5th instant, the latter continues to believe that a rebellion is the one and only means of solving the Macedonian crisis. || As I feel assured, Sir, that you have given the widest publicity to the abovementioned Ministerial Circular amongst the Bulgarian population in Macedonia, I deem it essential to enjoin on you once more to call the serious attention of the most prominent and influential citizens of the vilayets to the evil consequences which will inevitably ensue to the Macedonian cause, if these disturbances are not ended forthwith. I beg you to communicate to me without delay the result of your efforts in the above sense.

Daneff.

*) In London am 30. März bekannt geworden. Red.

Nr. 13244. **TÜRKEI.** — Der Botschafter in London an den englischen Minister des Ausw. Nachrichten über bulgarische Banden.

Ambassade Impériale de Turquie, Londres, le 28 Mars 1903. (March 31.)

Musurus Pacha présente ses compliments au Marquis de Lansdowne, et a l'honneur de transmettre ci-joint à sa Seigneurie les extraits de deux récents Rapports du Commissariat Impérial à Sophia relatifs l'un aux bandes de brigands formées en Bulgarie pour faire irruption dans les provinces limitrophes de l'Empire, et l'autre aux actes d'agression dont les habitants Musulmans du village de Tchiriptché, en Roumélie-Orientale, ont été l'objet de la part des Bulgares.

Anlage.

Il y a un grand nombre d'agitateurs Macédoniens à Harmanli et à Sebidjé. Dernièrement, lors d'une perquisition faite aux bureaux du Comité de Harmanli, on y a découvert deux barils de dynamite, et l'officier qui a opéré cette perquisition a appris que des armes avaient été cachées sous terre, près de la ligne-frontière à Harmanli. || Le Consul de France a été informé que deux brigands s'occupaient d'enrôler des artisans dans le quartier de Karchi-Taka de Philippopoli. En outre, deux malfaiteurs se prépareraient à passer à Kirdja-Ali pour enlever un riche paysan, nommé Osman Agha, et réclamer une rançon. || De son côté, le Consul d'Angleterre a appris que plusieurs individus se sont rendus à Sophia pour s'enrôler dans des bandes révolutionnaires. || Un Israélite de Kustendil déclare avoir recontré une bande de quarante à cinquante brigands qui se dirigeait sur la frontière. || Les villages de Kaïrak, Moum-Kioï, Kodja Touk, Yeyendjé, Derekioï, Tatarkioï, et Karapinar sont devenus des centres d'approvisionnement pour les brigands. Une vingtaine de bandes composées de soixante hommes chacune se trouvent aujourd'hui prêtes à agir. Elles se proposent de passer la frontière dans une vingtaine de jours et de se diriger vers Tirnovo, Kirk-Kilissé, Gumuldjina, Dédé-Agatz, Vizé, Pinar-Hissar, Kechan, et Malgara.

Sophia, le 15. Mars, 1903.

Les Bulgares du village de Tsirpitza, près de Tatar-Pazardjik, en Roumélie-Orientale, ont attaqué, armés de haches et de gourdins, le café Turc de cette localité, où ils ont injurié et menacé tout le monde, et, les Musulmans s'étant alors enfuis dans leurs maisons, ils les ont poursuivis jusqu'à leurs portes en criant, „Ouvrez, ou nous brisons tout. Montrez-nous vos filles!“

Nr. 13245. TÜRKEI. — Instruktion für die Ausführung der mazedonischen Reformen. Den Mächten am 25. März mitgeteilt.

(1.)

1. En vue d'assurer l'application des dispositions que l'Inspecteur-Général des Provinces de la Roumélie est chargé d'adopter, la durée des fonctions de ce dignitaire a été prolongée de trois ans. L'Inspecteur-Général aura la faculté de se servir, en cas de nécssité, des troupes Impériales sour toute l'étendue des trois vilayets sans être obligé d'avoir recours chaque fois au Governement Central. || 2. Les Valis des trois vilayets seront tenus de se conformer aux instructions émanant de l'Inspecteur-Général et de lui prêter leurs concurs par tous les moyens en leur pouvoir. || 3. Des spécialistes étrangers seront chargés de concourir à la réorganisation de la police et de la gendarmerie entreprise par le Gouvernement et d'assurer l'application des dispositions à adopter conformément aux bases établies à cet effet. Ils seront hiérarchiquement soumis au Gouvernement Impérial. Le Gouvernement Impérial avisera aux moyens d'appliquer le principe en vertu duquel le chiffre des Musulmans et des non-Musulmans employés dans la gendarmerie sera proportionnel au chiffre des populations Musulmane et non-Musulmane, tout en tenant compte des circonstances locales qui motivent la restriction adoptée quant à la proportion des non-Musulmans admis au service de la gendarmerie. || Les officiers de la gendarmerie dans ces vilayets seront choisis à l'avenir parmi ceux dont la capacité et la moralité seraient éprouvées. Les mêmes principes seront appliqués à la réorganisation de la police. En attendant qu'un nombre suffisant de personnes sachant lire et écrire puisse être trouvé, les commissaires et les agents de police Musulmans seront choisis parmi les éléments existants. || 4. Les gardes champêtres seront choisis parmi les habitants des villages. Dans les localités où la majorité de la population est Chrétienne, les gardes champêtres seront choisis parmi les habitants Musulmans et non-Musulmans dans la proportion de leur nombre. || 5. Le Gouvernement Impérial adoptera sans retard des mesures en vue d'empêcher les diverses classes de la population de se livrer à des vexations et agressions l'une à l'égard de l'autre et de les astreindre au respect des lois. || 6. Le Gouvernement Impérial accordera une amnistie à tous les accusés ou condamnés pour des faits politiques qui ne seraient pas convaincus de participation directe à des crimes de droit commun, ainsi qu'à ceux qui ont émigré. Tous les procès pour crimes ou délits de droit commun actuellement en cours d'instruction ou de jugement

seront réglés sans retard. || 7. Au commencement de l'année un Budget des revenus et des dépenses sera dressé dans chaque vilayet. || Le produit des impôts sera affecté en premier lieu au besoin de l'Administration Locale, le paiement des services civil et militaire y compris. La perception des dîmes se fera par voie d'affermage. || Les dîmes seront affermées non point en bloc, mais par village et au nom des habitants conformément aux Règlements. En cas de difficulté ceux-ci auront recours aux Tribunaux. Dans le cas où personne ne se présenterait pour l'affermage des dîmes de certains villages ou bien si le prix offert est inférieur à la valeur réelle des dîmes à adjuger, ces dîmes seront administrées en régie conformément au Règlement sur la matière. Tous les revenus du vilayet seront versés à l'agence de la Banque Impériale Ottomane au chef-lieu du vilayet et le paiement des sommes affectées par le Budget aux dépenses du vilayet se fera en conformité d'un Règlement spécial qui aura pour object d'assurer la régularité de l'emploi de ces sommes.

(2.)

Article 1er. Au commencement de l'année un Budget des revenus et des dépenses sera dressé dans chaque vilayet. Le produit des impôts est affecté en premier lieu aux besoins de l'Administration Locale, le paiement des services civil et militaire y compris. || Art. 2. Tous les revenus seront versés à l'agence de la Banque Ottomane au chef-lieu du vilajet. || Art. 3. Le paiement des sommes affectées par le Budget aux dépenses du vilayet se fera de la manière ci-dessous indiquée. || Art. 4. Tous les revenus prévus dans le Budget du vilayet seront versés conformément à l'Article 2 à l'agence de la Banque au chef-lieu du vilajet, et les dépenses y inscrites seront effectuées par son entremise suivant les modes fixés dans ce Règlement. Les sommes perçues et dépensées seront inscrites sur les livres tenues respectivement par la Comptabilité du vilayet et l'agence de la Banque. || Art. 5. Parmi les diverses dépenses figurant dans le Budget, celles afférentes au caza et dont l'urgence serait reconnue, seront payées sur les revenus locaux conformément à la règle usitée. Quant aux traitements, ils seront payés sur un ordre du vilayet. Le surplus des revenus sera envoyé en numéraire au chef-lieu du sandjiak avec les reçus certifiés relatifs aux paiements effectués. Cet envoi sera accompagné d'un tableau spécifiant les diverses monnaies en lesquelles les perceptions ont eu lieu et portant les signatures du Caïmacan et du Mal Muduri. || A. 6. Les sommes envoyées des cazas au sandjiak seront portées sur les livres de comptabilité de ce sandjiak et le montant nécessaire pour le service des traitements et les autres dépenses sera prélevé tant sur ces sommes que sur les revenus du caza du chef-lieu de ce

sandjiak conformément à l'Article 5. Le surplus sera envoyé directement à l'agence de la Banque du chef-lieu du vilayet avec les états des dépenses du caza du chef-lieu du sandjiak et des autres cazas dépendants, et avis en sera donné en même temps à la Comptabilitié du vilayet. || Art. 7. Les sommes envoyées au sandjiak du chef-lieu du vilayet par les cazas qui en dépendent seront, après enregistrement, remises le jour même de l'envoi à l'agence de la Banque avec celles perçues dans le caza du chef-lieu du vilayet. || Art. 8. L'agence de la Banque créditera les sommes qui lui seront remises en numéraire et en reçus avec indications des espèces et délivrera à cet efiet un reçu à la Comptabilité du vilayet. Elle prendra des chéques de la dite Comptabilité pour les remises effectuées en reçu et les passera au débit. || Art. 9. De même que l'agence de la Banque sera tenue de payer les montants des affectations militaires conformément aux chéques délivrés contre des reçus spéciaux par la Comptabilité du vilayet, de même elle payera les autres dépenses militaires à l'Administration Militaire également au moyen de cheques délivrés contre des reçus spéciaux. Aucun paiement ne sera effectué aux chefs-lieux des cazas et des sandjiaks à valoir sur les allocations et affectations militaires. Quant aux traitements militaires, ils seront payés contre reçu à l'Administration Militaire au chef-lieu lors du paiement des traitements de tous les fonctionnaires. || Art. 10. Les traitements de tous les fonctionnaires civils, des officers supérieurs, des officers, des soldats, et des retraités se trouvant dans le vilayet seront, à partir de l'année financière 1319, payés régulièrement et simultanément dans toutes les parties du vilayet. Aucun paiement exceptionnel sur ces traitements ne sera permis. || Art. 11. Comme les revenus généraux du vilayet seront versés à l'agence de la Banque, celle-ci payera contre reçu à la Banque Agricole le 5 pour cent des dits revenus affectés aux travaux publics du vilayet. || Art. 12. Tout surplus des revenus locaux qui resterait disponible après paiement intégral tant des appointements des fonctionnaires administratifs, militaires, judiciaires, et financiers que de tous les frais de l'Administration Locale et les dépenses militaires sera envoyé au Trésor Impérial. || Art. 13. Tout fonctionnaire qui contreviendrait aux dispositions du présent Règlement serait tenu responsable.

Nr. 13246. RUSSLAND. — Mitteilung des „Journal de St. Pétersbourg" über den Terrorismus der Bulgaren.

March 19 (April 1), 1903. (April 4.)

Extrait d'un rapport du Consul de Russie à Monastir en date du 19—24 Février, 1903: —

„Conformément aux instructions reçues du Conseiller Privé actuel Zinoview, le Consulat à Bitoli a informé officiellement la population Chrétienne que le Gouvernement Impérial réprouve sévèrement la manière d'agir des Comités et ne prêtera pas secours à ceux qui auront pris part aux troubles. Une déclaration semblable a été faite aux membres des Comités, qui ont été invités à cesser leur coupable activité et à ne pas mettre obstacle à l'oeuvre de la réalisation des réformes proposées par les Puissances. || Cette déclaration a été accueillie avec un mécontentement extrême par les chefs du mouvement révolutionnaire, ceux-ci étant loin d'être satisfaits par le projet des Puissances, et rêvant d'introduire dans les trois vilayets un régime autonome qui leur permettrait d'obtenir pour eux-mêmes des postes administratifs bien rétribués. Les Comités ont envoyé dernièrement au Consulat un fondé de pouvoirs qui a dit qu'ils considéraient comme impossible de dissoudre les bandes tant que les réformes n'auraient pas été effectivement appliquées et n'auraient pas été reconnues comme atteignant leur but. || Afin d'entretenir le mécontentement parmi les Chrétiens et de les engager à remplir comme par le passé les rangs des bandes, les chefs des Comités s'appliquent de toute manière à empêcher que ne se répandent parmi la population des nouvelles relatives à l'amnistie accordée par le Sultan et aux mesures prises par la Porte pour l'amélioration du sort des Chrétiens dans les trois vilayets. En même temps l'activité des bandes ne discontinue pas. Entre elles et les détachements Turcs qui les poursuivent se produisent des conflits sanglants. Parfois les Bachi-Bouzouks prêtent leur concours aux troupes régulières dans la poursuite des bandes; mais, ces derniers temps, les Turcs n'ont pas commis d'actes de violence contre la population paisible. || Parallèlement au renforcement de l'activité des bandes, a augmenté en dernier lieu le nombre des assassinats politiques, dont les victimes sont principalement les maîtres d'école et prêtres Serbes qui déconseillent à leurs congénères paysans de se joindre aux bandes. || Le fait de l'intensité plus grande de l'action des Comités concorde avec l'arrivée à Bitoli du gérant nouvellement nommé de l'Agence Commerciale Bulgare de cette ville, et a donné lieu au bruit défavorable pour la Bulgarie, comme quoi la Principauté participe à l'activité des dits Comités, en désirant prouver dans le cas actuel que le centre du mouvement révolutionnaire se trouve en dehors de ses limites. || Le Gouvernement Turc continue à réaliser activement le projet de réformes proposé par les Puissances. C'est ainsi que simultanément avec l'amnistie dernièrement annoncée, l'Inspecteur des Finances du Vilayet de Salonique a été chargé de dresser un Budget pour les trois vilayets Macédoniens. || Ali Riza

Pacha, nouvellement nommé Gouverneur-Général de Bitoli, prête un concours actif à l'œuvre de la pacification du pays, et fait tous les efforts pour détruire les abus auxquels se livrait le personnel administratif."

Télégramme du Consul de Russie à Uskub en date du 14 Mars, 1903: —

„Les troubles dans le Vilayet de Kossovo, loin de diminuer, ne font qu'augmenter. Le centre du mouvement insurrectionnel sera probablement Ischtib, Prilep, et les environs de Kitchévo. A Kotchan et à Ischtib se trouvent beaucoup de bandes qui se composent souvent de 100 hommes et plus, habitants des villes et maîtres d'école, mais non paysans. On se propose de faire sauter par la dynamite les casernes, le parc d'artillerie, les écuries à Ischtib, à quoi s'emploiera l'officier Kovatchew, et de détruire les communications postales et télégraphiques. On attend un grand nombre d'officiers de Bulgarie. On oblige les paysans, sous menace de mort, à aider les bandes, à fournir de l'argent, à préparer pour le printemps des approvisionnements destinés aux bandes et à prendre les armes. || La communication du Consulat de Russie faisant connaître que le Gouvernement Impérial n'approuve pas l'action des Comités et abandonnant, en cas d'insurrection, les insurgés à leur propre sort, est cachée soigneusement à la population par les Comités. Ceux-ci s'efforcent de convaincre les habitants que tout se ferait sous la protection de la Russie. C'est ainsi que le 11 Mars s'est présentée au Consulat Russe une députation du village de Sokolartsy, près Kotchan, demandant de faire savoir si se trouve exacte l'affirmation des chefs de bande comme quoi le mouvement aurait été suscité sur l'ordre de la Russie, et ajoutant, que dans ce cas, malgré leur manque de sympathie pour les Comités qui réduisent la population à la misère et aux malheurs de toute sorte, ils sont prêts à aller où la Russie leur indiquera; ils demandent seulement un asile pour les femmes et les enfants. Ce fait sert de preuve que le mouvement a un caractère artificiel et n'a pas de point d'appui dans la masse de la population. || Pour donner plus d'acuité à la situation, les Comités recourent à des actes de violence et de cruauté à l'égard des Turcs. C'est ainsi que dernièrement à Prilep la bande d'un nommé Georges, qui venait d'être amnistié, a tué un Notable de cette ville, Séfeddin Bakhtiar, auquel ont été arrachés les ongles, crevé les yeux et enfin tranché la tête. Le même jour, un certain Detcho Traïko a cruellement molesté un homme riche de l'endroit; Vessel Abdi a pendu sa mère, une femme très âgée, après lui avoir fait subir des outrages. Les Comités tâchent de toute manière de provoquer une irritation générale de la population Musulmane et de l'exciter à un massacre des Chrétiens."

Nr. 13247. **RUSSLAND.** — Konsularberichte über die Revolution in Mazedonien und Albanien.

„Journal de Saint-Pétersbourg" of March 21 (April 3), 1903. (April 6.)

Extrait d'un rapport du Consul-Général de Russie à Salonique, en date du 1er Mars, 1903: —

„Aux troubles qui s'étaient produits l'automne dernier, avait succédé une période d'action occulte, mais tenace, des Comités Révolutionnaires, dont tous les efforts tendaient, comme précédemment, à faire éclater un soulèvement général. En appelant les Chrétiens à une lutte manifestement inégale, les Comités espèrent provoquer l'intervention de l'Europe en leur faveur. || L'état des esprits, tant parmi les Musulmans que parmi les Chrétiens, est extrêmement inquiétant. En prévision de complications possibles, les autorités s'occupent de la construction de routes et de casernes. Il n'y a pas de village dans tout le district où il n'y ait des bandes d'insurgés, qui trouvent parmi les Chrétiens des protecteurs forcés ou volontaires. Les Comités préparent avec une activité fébrile tout le nécessaire pour l'insurrection: ils enrôlent dans leurs rangs de jeunes Chrétiens, s'approvisionnent de chaussures, de vêtements, de réserves de toute sorte et de matériel de pansement. || Quant au plan de l'insurrection, il consiste principalement en ceci: les bandes doivent se porter dans les montagnes, y attirer la population et faire une guerre de partisans aux troupes Turques cantonnées dans les différentes localités. || Les escarmouches des bandes avec les troupes Turques deviennent de plus en plus fréquentes. || Il est difficile d'admettre que l'agitation révolutionnaire, qui a poussé au cours de longues années de profondes racines, se dissipe par voie pacifique. Bien qu'on ne doive pas appréhender une insurrection générale, il ne faut pas perdre de vue la possibilité de l'explosion simultanée d'actes de rébellion sur divers points dans les trois vilayets.

Télégrammes du Consul de Russie à Mitrovitza,
des 13, 17, *et* 18 *Mars*, 1903.

Des Albanais, rassemblés près de la ville de Voutchetyrn avaient réclamé l'éloignement des zaptiés Chrétiens; les autorités ayant refusé de donner suite à leur demande, les Albanais sont entrés le 16 Mars à Vouchetyrn et ont fait conduire sous escorte les zaptiés Chrétiens à Prischtina. Le 17 Mars ils ont assiégé Mitrovitza, mais ils ont été repoussés et dispersés par le feu d'artillerie des troupes Turques, en laissant sur le terrain plus d'une centaine de morts et de blessés. || De nouvelles bandes d'Albanais avancent d'Ipek et de Yeni-Bazar.

Télégramme du Consul de Russie à Uskub, du 18 *Mars*, 1903.

Notre Consul à Mitrovitza a été blessé le 18 Mars, à 5 heures et demie du soir, dans les circonstances suivantes: — || Etant sorti de son domicile avec son kavass et une escorte militaire, M. Stcherbina avait rencontré un soldat Albanais, nommé Ibrahim, qui, feignant de le saluer, lui a tiré un coup de fusil Mauser, dont la balle lui a transpercé le flanc gauche. Après avoir tiré un coup de fusil contre le kavass, Ibrahim a été blessé lui-même par les soldats de l'escorte de M. Stcherbina. Ibrahim dit avoir tiré sur le Consul de Russie pour venger un parent qui avait été blessé la veille. || Le Commandant Militaire de Mitrovitza, Saïd Bey, accompagné de médecins, s'est rendu aussitôt sur les lieux et a fait transporter M. Stcherbina à son domicile. L'Inspecteur-Général, Hilmy Pacha, et l'Aide-de-camp, Général Nassir Pacha, ont immédiatement exprimé leurs regrets par télégraphe. Jacob Pacha, le meilleur chirurgien du vilayet, est parti aussitôt, par ordre de Hilmy Pacha, pour Mitrovitza. || D'après les avis des médecins, la blessure de M. Stcherbina n'est pas dangereuse.

„Journal de Saint-Pétersbourg“ of March 23 (*April* 5), 1903. (*April* 9.)

Le „Messager Officiel“ publie aujourd'hui la communication suivante: — || „Dès qu'on eut reçu à Constantinople la nouvelle de l'audacieuse attaque des Albanais sur Mitrovitza, l'Ambassadeur de Russie près Sa Majesté le Sultan s'était empressé d'attirer l'attention du Grand Vizir sur l'insuccès manifeste des tentatives faites par la Porte d'obtenir l'obéissance des Albanais par des remontrances pacifiques, et sur le besoin urgent de prendre des mesures énergiques pour chatier les insurgés et assurer la sécurité de la population Chrétienne. Férid Pacha s'était empressé de donner au Conseiller Privé actuel Zinoview l'assurance que le Gouvernement Turc, conscient du devoir qui lui incombe, emploierait tous les moyens dont il dispose pour faire cesser les troubles et rétablir la tranquillité. || Cependant on recevait à Constantinople un télégramme signalant une nouvelle manifestation du fanatisme des Albanais dont avait été victime le Consul de Russie à Mitrovitza. Aussitôt cette douloureuse nouvelle reçue, le Sultan a chargé, par télégraphe, le Représentant Ottoman à Saint-Pétersbourg d'exprimer au Gouvernement Impérial son plus profond regret de l'attentat à la vie du Conseiller de Cour Stcherbina. En même temps, le Sultan envoyait auprès du Conseiller Privé actuel Zinoview le Grand Vizir, qui, après avoir témoigné le profond regret de Sa Majesté Abdul Hamid au même sujet, a transmis l'assurance qu'on a pris des mesures pour une enquête sévère et pour la cessation immédiate

du mouvement Albanais. || Le Gouvernement Impérial a pris acte des assurances données au nom du Sultan, et le Conseiller Privé actuel Zinoview a été chargé de faire à la Porte des représentations pressantes afin que soient prises immédiatement toutes les mesures pour le châtiment le plus sévère des fauteurs des troubles de Mitrovitza et de l'odieux attentat à la vie du Consul de Russie. || En même temps, le Conseiller de Cour Maschkow, Consul à Uscub, était chargé de se rendre à Mitrovitza. || M. Stcherbina est actuellement soigné par le Dr. Jacob, Médecin de Division, envoyé par Hilmy Pacha, Inspecteur-Général des trois vilayets, et par le Dr. Soubbotitch, de Belgrade, qui s'est rendu à Mitrovitza par ordre du Roi de Serbie. En outre, sur le désir exprès du Sultan, a été envoyé à Mitrovitza le meilleur chirurgien de la Cour — Cambor-Oglou. Suivant les avis des médecins, l'état du blessé, quoique très sérieux, n'inspire pas d'inquiétudes pour sa vie. || Suivant les renseignements que l'on reçoit, la Porte s'efforce réellement de mettre fin aux actes arbitraires des Albanais; beaucoup de troupes, la plupart venant de l'Asie-Mineure, ont déjà été envoyées sur le théâtre des troubles."

Nr. 13248. **GROSSBRITANNIEN.** — Der Botschafter in Konstantinopel an den Minister des Ausw. Unterredung mit dem Sultan. Der Sultan will einstweilen nur wenige fremde Offiziere anstellen.

Constantinople, April 4, 1903. (April 13.)

My Lord, || I had the honour of being received in audience yesterday by the Sultan after the Selamlik. || His Majesty referred to the recent incidents at Mitrovitsa, and to the difficult position in which he was placed by this sudden and tempestuous outbreak. He said he intended to send a special Commission composed of Zia Noureddin Bey and several Ulemas to explain to the leaders of the insurrection that the reforms would not in any way prejudice their interests, that Rayahs had been employed from time immemorial in the service of the State, not only throughout the provinces but also in the capital, and that it was their duty to obey his orders in this respect. The Albanians were a proud and independent race, and if he wounded their *amour-propre* they would become still more intractable. He believed, however, they would yield to his exhortations and advice; but, if they refused to do so, he would be compelled to employ coercion. || I expressed the hope that the measures taken by His Majesty would be successful, as it was in his own interest to suppress the lawlessness of his subjects without delay

and to restore tranquillity in those parts, in order that steps could be taken for the introduction of the reforms so urgently needed. || I then referred to the state of the gendarmerie, the accounts of which showed a far from satisfactory condition of affairs; the places of the incompetent men, who had been dismissed to make room for Christians and others, had not been filled, and I regretted that no measures had been taken since I last had the honour of discussing this subject with His Imperial Majesty in December towards the reorganization of this most important branch of the Executive, either by securing the services of experienced Turkish officers, or by the engagement of foreign instructors and inspectors. || I ventured also to point out that the engagement of two Swedish officers would not be sufficient to convince the Powers that Turkey was really in earnest in taking measures to secure that maintenance of order which was such a necessary preliminary to the successful introduction of the promised reforms. || To these remarks His Majesty replied that it was impossible to engage a considerable number of foreigners while the Roumelian provinces were so disturbed; that he could not even succeed in enlisting native Christians. This state of things was due to the criminal activity of the Bulgarian Committees and insurrectionary bands, whose object was to promote anarchy and disorder and keep the country in a state of confusion, which they hoped would eventually assist their political aims. His first duty was to restore public order. He was doing all that lay in his power, but he promised that when the proper time came he would not lose sight of the representations I had made to him, and which he believed were in the interests of Turkey. || Previous to my audience I had some conversation with the Russian Ambassador, who asked me to earnestly impress upon His Majesty the necessity of immediately bringing the Albanians in Old Servia to their senses, so that the reforms could be put into execution in the Vilayet of Kossovo as well as in other parts of Roumelia. || His Excellency added that he would not fail to make representations respecting the reorganization of the gendarmerie, which he regarded as a matter of the most urgent importance. N. R. O'Conor.

Nr. 13249. GROSSBRITANNIEN. — Der Gesandte in Sofia an den Minister des Ausw. Österreich-Ungarn und Rußland haben die bulgarische Regierung abermals gewarnt, etwas zu unternehmen.

Sophia, April 8, 1903. (April 13.)

My Lord, || About ten days ago the Austro-Hungarian and Russian Representatives renewed, by instructions, the admonitions and warnings

so often adressed to the Bulgarian Government. The Italian Acting Agent, who had some time before been ordered to use similar language should any of his colleagues do so, immediately followed suit. || After the blowing-up of the railway bridge near Moustafa Pasha, the Austro-Hungarian Government, having satisfied themselves that the crime was planned on Bulgarian territory, instructed their Acting Agent, Count Forgách, to warn the Bulgarian Government that they would be held responsible for any further damage of the same kind to the property of an Austrian Company. || Count Forgách tells me that his Excellency appealed for the support of Austria-Hungary to a proposal which he was making to the Turkish Government for the security of the frontier. He was renewing a proposal made by M. Grécoff in 1899 for the establishment of a service of joint patrols upon the frontier, to which no answer had been received at the time. It also included other matters, such as delimitation and arrangements for the frontier traffic, which could afford to wait, but he thought it very desirable to organize the joint patrols at once. || Count Forgách, who considers this proposal a proof of M. Daneff's good faith, has telegraphed it to Vienna. He thinks the suggestion a practical one, although he foresees objections on the part of the Turkish Government to it as implying an equality between Turkish and Bulgarian troops, when, for instance, it is laid down that the joint patrols shall be under the command of the senior officer or non-commissioned officer of either side. || Count Forgách does not find any record of a proposal of this kind having been known to his Agency in 1899, nor have I any recollection of it.

F. Elliot.

Nr. 13250. **TÜRKEI.** — Der Botschafter in London an den englischen Minister des Ausw. Zustand in Mazedonien. Die bulgarische Regierung unterstützt die Banden.

Londres, 20. April. (April 22.)

Pour fair suite à sa communication du 22 Février dernier, ayant pour but d'éclairer le Marquis de Lansdowne sur la situation actuelle dans les provinces Européennes de la Turquie, Musurus Pacha a l'honneur de fournir à sa Seigneurie les informations complémentaires suivantes au sujet des arrestations de malfaiteurs, de la délivrance par les troupes Impériales de Chrétiens tombés entre les mains des bandes Bulgares, de l'organisation de ces bandes, et de leurs rencontres avec les troupes Impériales, ainsi que de la perpétration d'excès et de crimes par des Bulgares sur le territoire de la Principauté, au détriment de Musulmans et

de la distribution d'armes et d'effects aux insurgés. || Cet exposé se rapporte à des incidents survenus jusqu'au 21 Février dernier, et démontre tout d'abord que les autorités Impériales ont employé les mesures les plus énergiques pour sévir contre les malfaiteurs, quels qu'ils fussent, dans les trois vilayets de Monastir, Kossovo et Salonique. || C'est ainsi que dès les 10 et 11 Janvier le Vali de Kossovo a fait savoir que dans les Cazas de Bregrin et de Kilan (district de Prechtiné) trente-trois criminels et trente-huit déserteurs avaient été saisis et livrés aux autorités judiciaires, tandis qu'une cinquantaine de malfaiteurs et d'anciens repris de justice avaient été arrêtés dans diverses autres localités de ce vilayet. || Le Vali de Salonique a télégraphié le 7 Janvier que quatre malfaiteurs condamnés par défaut pour divers crimes, venaient d'être arrêtés dans le Caza de Yenidje, et, le 10 du même mois, qu'un prêtre Grec, nommé Anghéli, avait été blessé près du Monastère de Tekrech, et que les aggresseurs, Pascal Lazo et Metro Youvan, avaient été mis en état d'arrestation. || De son côté, l'Inspecteur-Général des vilayets de Roumélie a fait savoir le 24 Janvier dernier au Gouvernement Impérial que, sur 398 malfaiteurs arrêtés du 29 Décembre, 1902, au 10 Janvier, 1903, 358 étaient Musulmans et 40 Chrétiens. || Le 15 Janvier dernier le Ministre de la Guerre informait le Grand Vizir qu'un jeune homme, du nom de Yorghi, fils d'un commerçant du village d'Aghistos, près de Monastir, avait été enlevé par des brigands déguisés en gendarmes, et qu'il venait d'être délivré par les troupes Impériales dans le Caza de Rikalar. || Plusieurs Chrétiens retenus prisonniers entre les mains des Musulmans ont été délivrés par les autorités locales. C'est ainsi que le Vali de Monastir a fait savoir le 4 Février dernier que deux Chrétiens de Kirtsovo, qui avaient été enlevés par le brigand Dano, et les nommés Terassimo Yanos, du village de Mavro, et Stefko, du village de Horlovo, venaient d'être délivrés. || Plus tard, c'est-à-dire le 16 Février, le même Vali a télégraphié que Stephen et Aléko, du village de Rikalar, qui avaient été enlevés par le brigand Halil, avaient été récemment délivrés. || Un télégramme du même vilayet, en date du 28 Janvier dernier, a annoncé que le brigand Haïreddin, accusé d'avoir enlevé plusieurs Chrétiens dans un village du Canton de Perlépé et d'avoir dévalisé deux habitants de Karatsovo, venait d'être arrêté, et que les nommés Moussa, Omer, et Halid, originaires de Florina. qui avaient blessé trois Chrétiens à Kesrié, avaient été mis en état d'arrestation. || Le Vali de Kossovo a télégraphié le 3 Février que trois Musulmans d'Akva, accusés de divers méfaits, venaient d'être également arrêtés. || D'autre part, le Vali de Yanima a informé le Gouvernement Impérial, par voie télégraphique, qu'un habitant du village de Markah,

qui avait assassiné une jeune fille du même village nommée Meryem, avait été emprisonné.

Le Vali de Kossovo a télégraphié le 5 Février que soixante malfaiteurs, dont la plupart étaient Musulmans, venaient d'être arrêtés dans différents villages du district de Pretchiné. ‖ Le Vali de Salonique, dans un télégramme du 7 du même mois, a rapporté que les nommés Mihal, Gavril Atzo et Thana Rosto avaient été arrêtés pour avoir assassiné dans le Caza de Stroumdza deux villageois qui avaient fait des dépositions au sujet de certains actes de brigandage. ‖ Voici maintenant une liste d'arrestations mentionnées par le Vali de Scutari dans un télégramme en date du 5 Février dernier: Du 1er au 31 Décembre, 1902, on a arrêté dans ledit vilayet 19 criminels et déserteurs, et du 1er au 21 Janvier, 1903, 156 malfaiteurs et 35 déserteurs. Dans le même télégramme, ledit Vali a ajouté qu'Essad Pacha, Chef de la Gendarmerie, a été envoyé à Durazzi pour y activer les poursuites. ‖ Le Vali de Salonique a fait savoir par télégraphe, le 6 Février, que le brigand Alexi et ses compagnons qui avaient tiré des coups de fusil sur la maison du Gouvernement du Canton de Torvi, dans le district de Serrès, ont été saisis et livrés aux autorités, et que deux autres individus, accusés de meurtre, ont été également arrêtés. ‖ Dans différents télégrammes datés du 9 Février dernier, le Vali de Monastir a annoncé les arrestations de plusieurs malfaiteurs, ainsi que celle de l'agitateur Milan Risto de ses frères Terno et Stavra, affiliés au Comité Bulgare et qui avaient tiré sur les troupes Impériales. ‖ Dans d'autres télégrammes, en date des 8, 11 et 12 Février dernier, le même Vali a fait part au Gouvernement Impérial de plusieurs arrestations de criminels et de meurtriers, tandis que le Vali de Salonique a télégraphié sous la même date que deux des assassins du gendarme Mehmed avaien été arrêtés. ‖ Le 16 Février dernier le Vali de Monastir a télégraphié que huit individus, complices dans l'assassinat du prêtre Grec Nicolas, avaient été livrés aux autorités, et le 21 du même mois ce Vali a fait savoir que le brigand Mahmoud et deux de ses complices dans l'enlèvement d'une jeune Chrétienne du village de Kalben, venaient d'être capturés. ‖ Ces exemples suffiront pour montrer l'énergie avec laquelle les autorités Impériales ont poursuivi, sans distinction de race ni de religion, un nombre considérable de criminels dans les vilayets de Salonique, Kossovo, et Monastir. Il y a même une liste de 156 malfaiteurs appréhendés rien que dans le Caza de Starova, du 7 au 20 Janvier, qui est accompagnée d'un rapport sur les motifs de ces arrestations. ‖ Les fonctionnaires Ottomans en Roumélie non seulement ont fait opérer les arrestations dont les principales ont été signalées plus haut, mais ont veillé à la suppression du brigandage et ont fait pour-

chasser sans répit les bandes Bulgares armées. || Nombreuses ont été les rencontres avec ces bandes. Le Vali de Salonique a télégraphié le 12 Janvier, suivant les informations fournies par le Gouverneur de Serrès, qu'une quinzaine de brigands Bulgares avaient dressé une ambuscade près de Nevrekop pour dévaliser le courrier de cette ville, mais qu'ils avaient été dispersés par les gendarmes qui escortaient le dit courrier. || Sans entreprendre d'énumérer toutes les rencontres des troupes Impériales avec les brigands, on peut affirmer qu'elles ont été très fréquentes. Par exemple, dans les premiers jours de Février le Ministre de la Guerre fait savoir qu'il y a eu une rencontre à Analipsi entre un détachement de troupes Impériales et une bande de brigands sous le commandement de Trochka et que celui-ci y a été tué. Il ajoute que le même détachement a eu une autre rencontre près de Kilissori, avec la bande du brigand Goda, et qu'un brigand a été tué et deux autres blessés. || D'autre part, le Vali de Monastir a télégraphié le 21 Janvier au Gouvernement Impérial que le Major Bulgare Davizoff se dirigeait vers Kesrié avec une trentaine de Bulgares armés, et que des renforts avaient été envoyés dans cette localité pour assurer le maintien de l'ordre.

Les irruptions des bandes Bulgares sur le territoire Ottoman n'ont pas discontinué. Dans une lettre à son Excellence Tewfik Pacha, Ministre des Affaires Étrangères, en date du 4 Février, le Ministre de la Guerre a rapporté qu'une rencontre eut lieu dans le village d'Izlichté, Canton de Resné, entre des brigands et des troupes Impériales; deux de ces brigands furent tués et capturés. Un autre détachement de soldats a encore tué un brigand et en a blessé deux à Koritché. || De son côté, le Vali de Monastir a télégraphié le 9 Février que plusieurs bandes de brigands étaient poursuivies, notamment celle qui avait enlevé et mis à mort le prêtre Grec Nicolas dans le village de Palinez. || Dans un télégramme du 10 Février, le Vali de Salonique a fait savoir que plusieurs chefs en Bulgarie ont organisé des bandes dans le but de faire des incursions sur le territoire Ottoman; qu'une bande composée d'une quarantaine de brigands a franchi les Balkans à Rilé, et est partie dans la direction de Babronechté, après avoir mis le feu à une dépendance d'un corps de garde Ottoman sur la frontière; que les fugitifs de Laziné se joignaient partout aux brigands; que le Prince de Bulgarie leur avait fait un don de 10 000 fr., et que des souscriptions étaient ouvertes en leur faveur avec l'assentiment des autorités Bulgares. || Une autre dépêche télégraphique du même Vali, en date du 11 Février, décrit les agissements des bandes Bulgares. Voici la traduction de ce télégramme: — || „Le Gouverneur de Serrès me transmet les renseignements suivants sur la situation dans le Caza de Nazlik: — ||

‚Les brigands qui se concentrent dans les villages de Laziné, de Tsiné (Roumélie-Orientale), se proposent d'attaquer, avec le concours des fugitifs de Nazlik, le village de Tikorite, en deçà de la frontière. Ils ont fait savoir aux villageois qu'ils incendieraient leurs maisons s'ils ne se joignaient pas à eux.'" || Le Vali de Kossovo a télégraphié le 18 Février qu'une rencontre avait eu lieu la veille entre un détachement de troupes Impériales et une bande de brigands à Radovitché; que sept brigands avaient été tués; et que, le Sous-Gouverneur de Palanka ayant été informé qu'une bande de brigands Bulgares se préparait à passer la frontiere du côté de Djénen Déré, un détachement de troupes avait été envoyé à sa poursuite. || Non seulement les autorités Impériales se sont gardées contre les incursions, mais encore elles ont prévenu en temps utile le Gouvernement des préparatifs qui se faisaiènt pour envahir le territoire Ottoman. || Voici un télégramme du Vali d'Andrinople à ce sujet (15 Février, 1903): — || „Nous apprenons qu'une bande révolutionnaire est en voie d'organisation à Harmanlidé Haskioï. Déjà 300 individus s'y sont enrôlés. Des souscriptions ont été ouvertes pour leur procurer des vêtements et des munitions." || Un autre télégramme de la même date porte que les Comités Bulgares sont en train d'organiser des bandes armées qui franchiront la frontière à Tirnovo et qu'ne grand quantité d'armes et de munitions est expédiée à Karabinas. || De son côté le Vali de Salonique a télégraphié le 20 Février ce qui suit: — || „Nous apprenons que des préparatifs militaires sont faits à Philippopoli et à Sophia; qu'une bande de 300 révolutionnaires se propose de passer la frontière du côté de Tzéleblich; qu'un régiment d'infanterie et un régiment de cavalerie Bulgares ont reçu l'ordre de se tenir prêts pour toute éventualité. Nous prenons de notre côté toutes les dispositions nécessaires." || D'autre part, le Vali de Kossovo a télégraphié le 18 Février: — || „On nous informe qu'une bande de 500 brigands Bulgares sous le commandement de Dondzef se prépare à passer la frontière entre Sivri-Tépé et Hamidié. Nous avons envoyé des renforts à nos corps de garde sur la frontière." || Pendant ce temps, les autorités Impériales ont continué à ne rien négliger pour délivrer les Chrétiens retenus prisonniers. C'est ainsi que l'Inspecteur-Général des vilayets de Roumélie a télégraphié, sous la date du 4 Février, que les nommés Yanco, Stefco, Cosba, et Philippe, qui avaient été enlevés par des brigands, venaient d'être délivrés. Le Vali de Monastir a télégraphié le 16 Février qu'une jeune fille Chrétienne, enlevée à Dibré par le brigand Tahir Tako et son fils, a été délivrée. || Si la tâche de s'emparer des malfaiteurs, de réprimer l'agitation et de combattre les bandes Bulgares armées a présenté jusqu'à ce jour tant de difficultés, c'est que les révolutionnaires et les brigands ont certainement reçu des encourage-

ments qu'il convient de signaler. || En effet, le Vali de Kossovo a télégraphié le 3 Février qu'il avait été informé que le Gouvernement Bulgare avait distribué des fusils et de l'argent à des malfaiteurs qui se préparaient à faire des incursions sur le territoire Ottoman, et qu'en conséquence de ces informations les mesures nécessaires avaient été prises. || Le 4 Février le Vali de Salonique a télégraphié ce qui suit: — || „Le Sous-Gouverneur de Djumai-Bala nous informe qu'un Secrétaire du Consulat de Russie à Sophia a distribué des chaussures et des habits à des fugitifs, et que ceux-ci se préparent à franchir la frontière au printemps prochain.“ || Le Ministre de la Guerre a adressé le 4 Février à son Excellence le Ministre des Affaires Étrangères une lettre par laquelle il a fait savoir que le Commandant de la 9[e] Division l'a informé que quelques dames, accompagnées des cavas des Consulats de Russie et d'Autriche, ont distribué 700 paires de souliers aux fugitifs Bulgares à Donidjé, et que le brigand Dontzo et quelques autres chefs de bandes se sont réunis à Donidjé dans le but de susciter ultérieurement des troubles. || Quant au traitement des Musulmans par les Bulgares en Bulgarie, et aux agissements des Comités Bulgares dans la Principauté, le Commissaire Impérial à Sophia a adressé le 17 Janvier à son Altesse le Grand Vizir le télégramme suivant: — || „Dans un entretien que je viens d'avoir avec le Président du Conseil, M. Daneff, je lui ai fait observer que le Comité Bulgare, dont le Général Sondjef est le chef, a fait une commande de 3000 costumes de brigands à Gaïrova; qu'une bande sous le commandement d'un officier nommé Marik est sur le point de franchir la frontière; que les prétendus réfugiés Bulgares sont en possession de 3000 fusils; que parmi ces individus il y a plusieurs Nihilistes et Anarchistes Russes; que les fonctionnaires Bulgares semblent prêter la main à ces agissements, dont le but consiste à provoquer des troubles, et qu'il est de toute nécessité de prendre des mesures efficaces pour la suppression des Comités Bulgares. M. Daneff m'a répondu que le Gouvernement Bulgare fait tout son possible pour éloigner les susdits réfugiés, ainsi que pour empêcher tout mouvement de nature à troubler l'ordre et la sécurité.“ || Son Altesse le Grand Vizir a écrit le 18 Janvier au Ministre des Affaires Étrangères qu'en réponse au télégramme qui précède il a invité le Commissaire Impérial à appeler de nouveau l'attention de M. Daneff sur la conduite des fonctionnaires Bulgares, qui, loin de chercher à réprimer les agissements des Comités, semblent plutôt y donner la main, et à lui déclarer que la Sublime Porte, comptant sur les assurances de bonne entente et de fidélité données à plusieurs reprises par le Gouvernement Bulgare et par Son Altesse le Prince Ferdinand, espère qu'il sera mis fin à cet état de choses. || Le Vali de Salonique a télé-

graphié le 30 Janvier que deux familles Musulmanes du village de Devreco (Roumélie-Orientale), composées de vingt personnes, ne pouvant plus supporter les mauvais traitements auxquels elles étaient en butte de la part des Bulgares, ont abandonné tous leurs biens et se sont réfugiées dans le Vilayet de Salonique. Elles ont déclaré que 150 autres familles sont sur le point d'en faire autant, et pour la même raison. || Le même Vali a télégraphié le 6 Février dernier ce qui suit: — || „On nous informe que le Président du Comité Macédonien, Michailowski, s'est adjoint le Colonel Bulgare Xantsof; que l'ex-Président du même Comité, Boris Saravof, partisan de l'érection de la Macédoine en province autonome, est en lutte ouverte avec Michailowski, partisan de l'annexion à la Bulgarie; que les Comités Bulgares cherchent à s'adjoindre des officiers de l'armée Bulgare pour les incursions qu'ils organisent dès à présent pour le printemps prochain; et que le Comité de Sophia lance des Circulaires portant que, les réformes promises par le Gouvernement Impérial n'étant pas sérieuses, il faut persévérer dans la lutte.“ || Les plans pour les prochaines incursions Bulgares dans le territoire Ottoman sont si vastes que les autorités Ottomanes sont constamment en alerte. Ainsi, le Vali de Kossovo a télégraphié le 25 Février que le Caïmacan d'Osmanié l'avait informé que, d'après les dépositions de deux brigands Bulgares arrêtés récemment dans ce caza, une bande de brigands, sous le commandement de Boris Saravof, Vallsef, Rali, et Stoviko, avait passé la frontière du côté de Sazlik, et se dirigeait vers Stroumdza et Guevghéli; et que les mesures nécessaires avaient été prises pour leur barrer le chemin. || Le Vali de Monastir de son côté, a télégraphié le 28 Février que le Gouverneur de Serrès l'avait informé que les fils télégraphiques avaient été coupés entre Pétritz et Stroumdza, ainsi qu'entre Pétritz et Timour-Hissar.

Nr. 13251. **GROSSBRITANNIEN.** — Der Botschafter in Konstantinopel an den Minister des Ausw. Übersendet einen Auszug aus mazedonischen Konsularberichten. Kämpfe mit den bulgarischen Banden vom 15. März bis 15. April.

Constantinople, April 21. (April 27.)

As previously reported, a Special Mission had been sent from Constantinople to Ipek to endeavour to conciliate Albanian opposition to the reforms. They are now reported to have returned *re infectâ*, not having been allowed to stay in Ipek. The Albanians are said to contemplate a mass meeting under an oak on the Ferisovitch road, a tree which

seems to take the same place in their history as the oak under which the Basque Constitutions were signed. The authorities intend to suppress it if possible. Three or four Christians enrolled in the gendarmerie have been disarmed, one of them in the market at Kalkandelen, and a Servian gendarme was murdered by an Albanian near Prisrend. The Vekil of the Bulgar Metropolitan at Kalkandelen having had to fly to Uskub, his house was surrounded by Albanians, who tried to break in, but were driven away by pistol shots; the police did not interfere. || Some Albanians also fired into the house of a wealthy Christian in a neighbouring village (Blasnitsa) and killed a woman. Under the circumstances, Mr. Fontana considers it regrettable that Rassim Effendi, the Kaïmakam who had succeeded in completely pacifying this district, should have been dismissed. The reason for his dismissal is said to be an offence against Moslem law in having handcuffed a woman of bad character, the mother of an Albanian brigand he had had arrested, and who has since been released. Rassim has been succeeded by Ali Riza Effendi. || The rout of a Bulgar band of 120 is reported, from Turkish sources, to have taken place near Melnik. Another was dispersed near Kochana and lost two killed; on one of them a cypher was found. Mr. Fontana and Mr. McGregor report also that a sharp fight took place at Urbino between troops and two large Bulgar bands. The leader of one and a Turkish Lieutenant were killed. The peasants attacked the rear of the troops, who lost one killed, and two Moslem peasants, according to their account, the band losing five men. The peasants disengaged the bands and then retired with them into the hills, and then parleyed with the troops for two days, after which they returned to their villages. Three Moslem tax collectors having been murdered by Bulgars in Malesh, troops were sent to punish the murderers and were fired on by some 300 peasants, who then fled to the hills. The village of Strebena in Florina is closely besieged, and that of Nered also invested. In consequence of Sarafoff being believed to be present in this district large reinforcements have been sent there. Owing to the frequent escape of bands when non-commissioned officers are in charge, in future all troops are to be led by officers. || As anticipated, the Redifs have been giving trouble; the Prishtina battalion at Keuprulu and the Ishtib battalion at Gevgeli have been looting in the bazaars, and have had to be dispersed in companies over the country. Their grievance is that they should only be called out for active service and not for garrison duty, and further trouble may be expected, especially from Albanian battalions such as these. || The political prisoners liberated at Monastir under the Amnesty number 594, of whom eighteen are Moslems, mostly

condemned for gun-running, and 576 Christians, mostly Bulgars. || The minor incidents without direct political importance comprise the murder of a Bulgar by Turks at Petelep, of a Vlach by two Bulgars at Monastir, and of a Turk at Gornitsa. || Three Aides-de-camp of the Sultan have arrived at Salonica to inquire into the behaviour of the troops at Vrondou, and, in consequence of the various attempts on the lines by Alexis of Poroia and others, military inspectors have been appointed for their special surveillance.

Nr. 13252. **TÜRKEI.** — Der Botschafter in London an den englischen Minister des Ausw. Verbrecherische Pläne der Revolutionäre gegen Europäer.

Ambassade Impériale de Turquie, Londres, le 25 Avril, 1903. (Avril 27).

Musurus Pacha présente ses compliments au Marquis de Lansdowne et a l'honneur de porter à la connaissance de sa Seigneurie que, d'après une communication du Commissaire Impérial à Sophia, les Comités révolutionnaires Bulgares se sont vus dans l'impossibilité de continuer à suivre la voie qu'ils s'étaient tracée, par suite des dispositions militaires prises par le Gouvernement Impérial et que, découragés, d'autre part, tant par l'attitude que le Gouvernement Princier a dû adopter contre les fauteurs de troubles que par les communications réitérées du Gouvernement Impérial de Russie qui les ont intimidé, ils auraient décidé d'allumer des incendies dans les diverses localités des provinces Européennes de l'Empire et d'y faire sauter les édifices publics ou autres afin de pousser les Musulmans à des représailles et de provoquer ainsi une intervention étrangère. Ils auraient envoyé des instructions dans ce sens à leurs agents dans les dites provinces. || Si ces Comités ont, en effet, recours à de tels procédés, dont seuls les Anarchistes ont donné jusqu'ici l'exemple, il faudra forcément les traiter comme tels.

Nr. 13253. **GROSSBRITANNIEN.** — Der Botschafter in Konstantinopel an den Minister des Ausw. Bulgarischer Bombenanschlag.

Constantinople. April 30, 1903. (April 30.)

(Telegraphic.) || Following from Sir A. Biliotti, dated yesterday: — || „An explosion occurred yesterday on board the Messageries' steam-ship ‚Guadalquivir,' and she was burnt in harbour. French Consul held a preliminary inquiry to-day, with the result that a Macedonian Bulgar was arrested at Uskub on nearly absolute evidence that he had left a bomb on board. He had shipped for Varna and then taken the train, leaving his luggage on the ship."

Nr. 13254. GROSSBRITANNIEN. — Derselbe an Denselben. Dasselbe.

Constantinople, April 30, 1903. (April 30.)

(Telegraphic.) || Sir A. Biliotti telegraphs to-day as follows: — || „Ottoman Bank was blown up by Revolutionary Committees with dynamite yesterday evening, and is completely gutted. Attempts were made simultaneously on the Ottoman post-office, two cafés, and the German school. Many arrests; all Bulgars resisting shot down by troops. At present no exact information obtainable, but a considerable number said to be killed and wounded. Gas main destroyed; market closed, and general panic prevails. Measures taken to suppress disorder; two battalions arrived from Smyrna.“ || In order that military operations against the insurgents may not be followed by massacre and crime, I am impressing the vital necessity of keeping the troops well in hand on the Ottoman Government. I am informed by the Grand Vizier that the maintenance of order and the protection of the inhabitants has been secured by every possible measure; that, according to the latest reports, tranquillity has been restored, and that the town is guarded by seven battalions.

Nr. 13255. TÜRKEI. — Der Botschafter in London an den englischen Minister des Ausw. Bericht über die Attentate in Saloniki.

Ambassade Impériale de Turquie, Londres, le 1er Mai, 1903. (May 2.)

Musurus Pacha présente ses compliments au Marquis de Lansdowne et a l'honneur de porter à la connaissance de sa Seigneurie que dans la soirée d'avant-hier, 29 Avril, vers 8 heures, un certain nombre de Bulgares, passant en voiture devant l'Agence de la Banque Ottomane à Salonique, ont jeté à l'improviste des bombes sur les soldats, agents de police, et gardiens préposés à sa garde. Un soldat et un gardien furent tués, et un agent de police et le fils d'un gardien blessés simultanément. Ils incendièrent avec de la dynamite la dite Agence, détruisirent le Bureau de Poste Ottoman et le Club Allemand, lancèrent des bombes sur divers points de la ville, et firent éteindre le gaz. Le Gouverneur-Général de Salonique et plusieurs autres fonctionnaires se sont aussitôt rendus sur les lieux, et les troupes, ainsi que les gendarmes, qui y ont été dirigés, parvinrent à capturer cinq des criminels, dont deux morts et trois blessés. Leurs complices sont poursuivis activement. Grâce aux mesures promptes et efficaces adoptées, l'ordre et la tranquillité ont été maintenus, sans qu'aucun habitant de la ville soit intervenu. Les hôtels des Consulats

étrangers et les édifices publics sont gardés par les troupes Impériales. || Il est à remarquer qu'un Bulgare, Dascal Yorghi, qui s'était embarqué à Salonique sur le paquebot le „Guadalquivir" et qui, d'après un avis donné par le Consul de France, serait l'auteur de l'incendie mise avec de la dynamite à ce bateau, a été arrêté à Uskub, où il s'était enfui. || Le Gouvernement Impérial tient à constater la promptitude avec laquelle les autorités ont agi pour déjouer les projects criminels des révolutionnaires Bulgares, sans que l'ordre et la tranquillité aient été troublés. Elles continuent à veiller sur la sécurité publique pour le maintien de laquelle toutes les mesures nécessaires ont été prises.

Nr. 13256. **GROSSBRITANNIEN.** — Der Botschafter in Wien an den Minister des Ausw. Graf Goluchowski sieht die Balkanvorgänge optimistisch an.

Vienna, May 6, 1903. (May 6.)

(Telegraphic.) || Count Goluchowski expects no immediate danger in Albania, and I found his Excellency altogether hopeful in regard to the Balkan outlook. He told me that he had just seen the Bulgarian Agent, who had no information as to when Prince Ferdinand would return to Sophia. || The Austrian men-of-war will remain at Salonica for a short time longer for the protection of the numerous Austro-Hungarian subjects there.

Nr. 13257. **GROSSBRITANNIEN.** — Der Botschafter in Petersburg an den Minister des Ausw. Anschauung Lamsdorffs.

St. Petersburgh, May 7, 1903. (May 7.)

(Telegraphic.) || The latest reports which Count Lamsdorff has received from Constantinople appear to him more satisfactory. He agrees with the views of His Majesty's Government that the presence of ships of war at Salonica is unnecessary, and might be misinterpreted, and, for the present, no Russian ships will be sent there. || He has communicated with the Porte in the sense that the Bulgarian Government, which is doing its best, cannot be held responsible for the Salonica outrages, and he has advised against any provocative action.

Nr. 13258. **GROSSBRITANNIEN.** — Der Generalkonsul in Saloniki an den Botschafter in Konstantinopel. Bericht über die Attentate.

Salonica, May 2, 1903. (May 11.)

Sir, || With reference to my telegrams of the 30th ultimo, I have the honour to report that the gas went out all over the town owing to

the main being blown up at about 8 o'clock on Wednesday evening, the 29th ultimo. || A moment afterwards there was a series of lesser explosions, followed by a very loud detonation. || Seven Bulgarians had driven up to the Ottoman Bank, and, while the sentry's attention was distracted by the feigned quarrelling of some of them, the others killed him, a gendarme, and a watchman. Six of them then threw bombs at the Bank, three being killed on the spot and three wounded. The seventh made an ineffectual attempt on the Ottoman Post Office, which is opposite the Bank, killing a cavass, who tried to remove a bomb, and his son. At the same time, revolver shots were fired by the Bulgarians round the Bank and in neighbouring streets. || After the explosion of the first bombs the Bank was blown up bodily, its back wall falling on the part of the Hôtel Colombo occupied by the German Club, in which there where some six Germans and others. Of the former one was killed and four more or less seriously injuried. The Bank, in the meantime, was already blazing. The Vali, Mushir, police, and soldiers were quickly on the spot, and, although there was naturally some panic and confusion at first, the soldiers and gendarmes settled rapidly to their work of clearing the streets and searching the surrounding houses, in which a number of Bulgarians not belonging to the town were arrested. || Mr. Shipley, whom I had at once sent down to render what assistance he could to the Protestant Mission, which is very nearly opposite the Bank, testifies to the activity and courage displayed by the authorities. || It was ascertained yesterday that an underground passage had been made from a shop on the other side of the street to the Bank, and a mine laid loaded with dynamite, and connected with the shop by electricity. It must have taken months to make this subterranean passage, the earth from it being carried away in handkerchiefs and small paper parcels, and thrown into the sea or elsewhere at a considerable distance from the spot. || A complete plant for the manufacture of bombs was discovered, including thirty-six $^1/_4$-lb. jars of nitro-glycerine, some dynamite, a few bombs, and a coil of fuse. || The discovery of this mine explains the sudden and complete collapse of the Ottoman Bank (of which only the front wall remains) as compared with the slight damage done by the bombs; and in connection with the very great quantity of explosives which is being discovered, tends to discourage the idea that men who have worked so patiently, secretly, and succesfully will be stopped in their coure by the check which they have received. || The quarter in which the Bank stands is known as the Frank Mahallé, and contains, besides the Bank, the Catholic Cathedral, French Hospital, and Girls' School (directed by French Sisters), the

Scotch and American Missions, the Bank of Salonica, besides the shops and offices of the principal merchants. || A little while after the attack on the Bank an attack was made on the old fortress of Topkbané, which is about 300 yards from the Bank; but the assailants were beaten off towards the German School, which is situated about 200 yards further on. Two cartloads of dead were removed, but it is not known who suffered more severely — the troops or the Bulgarians. || The German School was also attacked by a man — Elia of Keuprulu, said to be a Bulgarian officer — who, standing on a balcony overlooking the courtyard and the street, kept the soldiers at bay with bombs for one and a-half hours, during which time he is said to have thrown thirty or forty, doing little damage. He was finally shot by some soldiers who managed to break into the house. || At the same time (8 to 10 P. M.) bombs were also thrown into the Alhambra Café, on the quay, and one waiter was killed. The Bulgarian, when arrested yesterday afternoon, was in the possession of a quantity of bombs, which he said he was reserving for the Greek Consulate and Archbishop's house. || Another bomb was thrown into the Café Nonio by a certain well-known Bulgarian merchant, a man of wealth and position. His participation in the outrages proves that it is hardly possible for any Bulgarian, of whatever standing, to escape the clutches of the Committee. || Bomb-throwing went on sporadically the whole of Thursday. Three manufacturers of explosives were discovered in a house rented to them by a Catholic priest, and situated immediately behind the mass of buildings which constitute the French Church, Convent School, and Hospital. Two were killed when they had exhausted their stock of bombs; the other committed suicide. The former were officers — the latter a student at the Bulgarian School. || On Thursday evening, the severest measures were taken to keep the streets clear; all circulation being prohibited after sunset; two men being discovered by the police lurking near the Constantinople line took to flight in the direction of a small house. On the arrival of the police, bomb-throwing began. Two of the occupants were killed by the explosion of dynamite, the other two were shot; the house was destroyed by fire. || The police and military authorities have shown the greatest activity and courage in looking for and arresting all suspicious characters, many of whom offered a desperate resistance, and in searching houses for bombs. || The great majority of the deaths among the Bulgarians was due to resistance or flight. The number killed is not exactly known. From Mr. Shipley's personal investigation of the ground, I know that thirty or thirty-two were buried in one of the Bulgarian cemeteries, but I do not know how many there

were in the other, and there is a rumour that some were carried off to be buried secretly. || From the impenetrable tangle of rumours and exaggerations, it is at present impossible to extract the truth, but one thing is certain, that there has been no approach to „massacre". One was reported to me to have occurred in a khan near the German School. I went there myself, and found that one man, who was throwing bombs into the street from the roof, had been shot — nothing else. || As to the „regrettable but unavoidable incidents" which I reported, I find that the only one I can vouch for is the death of four Greeks, who when told to stop by the soldiers took to flight and were shot. || There is very little doubt that the precautions taken in anticipation of outrages during the Greek Easter week forced the Bulgarians to hold their hands then, and that the relaxation of official vigilance, once that week passed, gave them their opportunity. It is to be feared that there may be another such reaction on the part of the authorities, and that, after an interval of tranquillity, there may be a fresh outburst on the part of the Bulgarians. It is most essential that the precautionary measures now adopted should be continued till not only Salonica town but the province is reduced to such a state of order as to form a guarantee for its future tranquillity. || I knew on the day before the Bank was blown up — too late, therefore, to report — that the Bulgarians in the town had drawn lots as to what each one should do towards the execution of their designs. || The tranquillity of the interior is a striking fact, not a single disturbance having been reported so far. Alfred Biliotti.

Nr. 13259. **GROSSBRITANNIEN.** — Der Vizekonsul in Monastir an den Generalkonsul in Saloniki. Bericht über die bulgarischen Banden.

Monastir, April 28, 1903. (May 11.)

Sir, || I have the honour to submit herewith, for your information, a statement showing as accurately as is possible under the circumstances the strength and distribution of the various Bulgarian insurgent bands at present existing in this vilayet. I need hardly premise that absolute accuracy is unattainable, and, even were the contrary the case, the constant fluctuations in the composition of any given band and the necessity for frequent changes of head-quarters prevent such a statement from having more than a very ephemeral value. || The number of bands now formed in the vilayet is twenty-nine or thirty, representing a force of at least 700 men, and the districts which they at present frequent in greatest strength are the Cazas of Monastir, Perlépé, and Florina. The in-

surgents are principally men who have been „out" for some time, but their ranks are receiving constant accessions, and they appear so far to maintain a passive attitude except as regards suspected informers and any stray Turk whom they can kill for the sake of his arms. || I believe that the majority carry Gras rifles imported from Thessaly, but Martinis and Mannlichers are also used, and, now that the conveyance of arms from Greece has become more difficult, there is a great demand for Mausers, which are usually obtained by assassination. A few days ago, for instance, two mounted soldiers who were carrying the post-bag from Kyrchevo to Perlépé fell into a nocturnal ambuscade, and, although one of the men escaped with the bag, his companion was murdered and completely stripped, his naked body being thrown into the Kara-Sou, while the assassins made off with their victim's military equipment and uniform. || I am informed, moreover, by a person possessing exceptional opportunities for knowing the circumstances, that the importation of arms from abroad has by no means ceased entirely, for considerable quantities of rifles and ammunition arrived at Durazzo, where the Customs officials are said to be in the Committee's pay, and thence they are conveyed by Elbassan to Okhrida without any apparent misgiving on the part of the Turkish authorities. || The conspicuous failure of the Government either to inflict any serious damage on the various bands or to hamper their movements cannot but diminish the prestige of the authorities in the eyes of the population, both Christian and Mussulman, and, according to all I learn, Sarafoff and the other insurgent leaders are not only proclaiming a general insurrection as imminent, but are actively training their men in campaigning operations, and have ordered the inspection and registration of all the available means of transport. || On the 19th, 20th, and 21st instant, Sarafoff and Chakalaroff presided over an assemblage of all the Notables of the villages in the vicinity of Gherman on the shores of Lake Presba, and found leisure to keep Easter with the usual festivities, and also to deliver a series of addresses on the approaching movement, the date of which has, however, not yet been fixed. The authorities were informed in the course of time, and bodies of troops were sent in pursuit from Monastir and Florina; but, as the insurgent position was surrounded by outposts at eight hours' distance in every direction, it is not surprising that when the troops arrived Sarafoff and his followers had disappeared. || At the same time another band had been located at Tsapari, about three hours from Monastir at the foot of Mount Peristeri, and a detachment of troops was immediately dispatched thither. Here again the Turks were nonplussed, for the insurgents retired into

the recesses of the wooded gorge of Shiroka Reka above the village, and, on the departure of the soldiers after an unsuccessful search, quietly returned to their quarters.

The Vali of Monastir seems full of good intentions as regards the pursuit of the revolutionaries; but, in view of the fact that the terror inspired by the Committee renders it almost impossible for him to obtain timely information of their movements, his task is far from easy, and hitherto the handling of the troops has not been such as to inspire confidence in the capacity of his subordinates for operations of this nature. || The lot of the Patriarchist villagers, of whatever nationality, is particularly deplorable. Not only are their priests and schoolmasters dispossessed and persecuted by the Committee, but they themselves, knowing by experience the uselessness and danger of appealing to the authorities, are compelled to associate themselves with the insurgents, for whose misdeeds they eventually have to suffer. || I have spoken earnestly to the Vali on this subject, but his Excellency declares that, as he receives no definite statements of grievances, he can take no action. This is probably true as regards individual terror-stricken peasants, but I have every reason to believe that no effort has been wanting on the part of the Greek Metropolitans to place the state of affairs before the authorities, and the only conclusion that I can come to is that either the fate of the non-Bulgarian Christians is regarded with indifference, or the Administration is so paralyzed by its own ineradicable vices as to be incapable of efficacious action. In this connection, I may mention that even the Mussulmans seem to be alarmed by the apparent impotence of the Government. Last week the inhabitants of the Mussulman village of Pribiltsi sent to beg that troops should be told off to protect them from the roving bands, while the Austrian Consul informs me that yesterday he received a visit from a deputation from a neighbouring Turkish village, who came to complain of their oppression by a local Mussulman tyrant. || I must, however, state that, in calling upon me to-day, the Vali said he had written to the Kaïmakam of Kastoria, sending him, for his observations, a list of grievances received from the Metropolitan of the diocese, and he was now awaiting a reply. James McGregor.

Nr. 13260. **GROSSBRITANNIEN.** — Der Gesandte in Sofia an den Minister des Ausw. Die Stimmung in Bulgarien ist sehr gereizt.

Sophia, May 26, 1903. (June 1.)

My Lord, || The feeling aroused in this country by the proceedings taken against the Bulgarians of Macedonia after the Salonica explosions,

although not demonstrative, is deep and intense. Meetings were to have been held in several towns the day before yesterday, and I am told by the Minister of the Interior that, on the Prefects asking him if they were to be allowed, he replied in the affirmative, that the promoters should be advised to exercise a little patience, until the results of the efforts of the new Government shall be known. In the end meetings were only held at Shumla and Silistria, a telegram being dispatched from the latter place (as had been done from Gabrovo the week before) to the Ministers, the foreign Representatives and the press, protesting against the cruelties being perpetrated in Macedonia, and against the action of the Government in preventing aid from reaching the patriots in arms. || At Sophia there was no meeting, but the demonstration was even more striking. The 24th, being the feast of the Macedonian Saints Cyril and Method, is one of the great holidays of the year, when school feasts, „kermesses,“ &c., take place amid general rejoicing. This year, the usual open-air service was celebrated without music, no festivities were held, and no military bands played throughout the day. || On the other hand, I learn that the Mussulmans in the Deli Orman district are arming against possible contingencies. General Petroff, whom I questioned on the subject, confirmed the fact, but said it caused no uneasiness to the Government, since they were forewarned. He added that the Turkish population were quiet, peaceable people, who would have had no ideas of insurrection if they had not been put into their heads by travelling Softas.

F. Elliot.

Nr. 13261. **GROSSBRITANNIEN.** — Der Botschafter in Konstantinopel an den Minister des Ausw. Die bulgarische Regierung hat eine Spezialverhandlung über Mazedonien mit der Pforte begonnen. Der bulgarischen Regierung gehen die Reformen nicht weit genug.

Therapia, June 5, 1903. (June 15.)

(Extract.) || I have the honour to report that M. Natchovits, who was on several occasions a prominent member of previous Bulgarian Cabinets, arrived here a short time ago, and called upon me the day before yesterday. || M. Natchovits began by saying that he had come here at the special request of the Bulgarian Government, and with the assent of Prince Ferdinand, to discuss with the Grand Vizier their respective policies and interests in Macedonia, in the hope of coming to an understanding which would contribute towards the pacification of Macedonia, and bring about

an improvement in the existing relations between the two Governments. || It was impossible that the present condition of affairs could continue without compromising the security, and, possibly, the very existence of Bulgaria. There were about 150 000 Macedonians settled and living in Bulgaria, of whom 500 were serving as officers in the army. This large Macedonian element was closely affiliated and connected with the general population, so that practically nearly the whole of Bulgaria was kept in a perpetual state of political unrest by the events which were passing across the frontier, where the Government was practically in the hands of the gendarmes. || Unless, therefore, some means could be found to put an end to this state of things, and concessions made to satisfy the reasonable demands and aspirations of the Macedonians, the insurrectionary movement was certain, even if suppressed this year, to break out again next spring, and to lead eventually to more serious complications. It was with the object of trying to prevent, by every possibly means, this eventuality that he had come here. || M. Natchovits then went on to say that he had approached the Grand Vizier by reminding him that the Imperial Government had already agreed to give the Macedonians a certain measure of autonomy. Unfortunately, the Austro-Russian reforms did not go far enough to meet the just requirements of the situation, and without a more liberal policy it was impossible to expect the restoration of public order. He therefore came here to submit certain proposals to the Imperial Government — namely, to accord to the Macedonians the right to elect their own local authorities, such as the mayors, municipal and rural Councils, who would in their turn have the right of appointing the „gardes champêtres," tax collectors, and other subordinate officials, and, at the same time, to alter the present abusive and vexatious system of collecting the tithes. The „communes" would be collectively responsible for the taxes due to the Imperial Government, and as the military authority remained in the hands of the Central Government, they would always have the power of enforcing, if necessary, their dues. || This was the full extent of the proposals he had made so far, though he hoped later on to add a few more, such as that some, at least, of the Judges and administrative officials should be chosen from the Macedonians who had graduated with distinction at a Bulgarian University, and who, although residing within the Principality, were at heart more Macedonian that Bulgarian. || The Grand Vizier had, M. Natchovits said, received his proposals courteously, promised to consider them carefully and give him an answer without delay. His Highness had added, however, that as they were based on the electoral system, he was afraid they

would not find favour in high quarters. || M. Natchovits next referred to the inadequate and limited character of the Austro-Russian scheme of reforms, which he considered did not secure even the absolutely indispensable amount of personal freedom and security, without which there could be no general tranquillity, or Bulgaria cease to be made the centre of a dangerous political agitation. His proposal, on the other hand, would meet the legitimate demands of all parties, whether Bulgarian or Macedonian, they would guarantee the restoration of public order, reestablish friendly relations with Turkey, and secure to Bulgaria the satisfaction of feeling that their co-religionists and compatriots across the frontier had, under the supremacy of Turkey, obtained more valuable concessions than those which might be given to them by the Austro-Russian *entente*. || I asked M. Natchovits whether he had informed the Russian and Austrian Ambassadors of the purport of his mission, and what they had said. He replied that he had done so, but that he had not got much encouragement, as they had both told him that it was very unlikely the Imperial Government would accept his proposals, while it was more than probable they would make them an excuse for delaying the execution of their scheme of reforms. || In conclusion, M. Natchovits said he earnestly requested me to support his proposals with the Grand Vizier and thus increase the debt of gratitude which Bulgaria and other races struggling for freedom and liberty already owed to Great Britain. He learnt from the Grand Vizier that I had already advised him to meet the friendly overtures of the Bulgarian Government in a reciprocal spirit, and while grateful for this advice he hoped I would not fail to assist him in the present negotiations. || I replied that the remarks I had made to the Grand Vizier were based on the assurance that His Majesty's Government would regard very favourably an improvement in the existing relations between the Principality and the Suzerain Power. But I reminded his Excellency that His Majesty's Government had promised, and were giving, their earnest support to the Austro-Hungarian scheme of reforms, that they could not at the present moment, and without consultation with the two Powers more immediately concerned, support any proposals which might jeopardize their success, and least of all would they be inclined to separate themselves from the other Powers in a question of such great difficulty and complexity. || His proposals, if accepted by Turkey, might be of inestimable value in bringing about the reestablishment of order and tranquillity throughout Macedonia, and if put forward as a supplement and addition to the scheme of reforms, they might gain a support which they could certainly not hope for otherwise.

I thought it very improbable, however, that the Sultan would be willing or ready to attempt to enforce these further concessions upon his Mussulman subjects, who were already greatly irritated against the Christians in consequence of the Salonica and other outrages; but in any case his best chance of success consisted in his obtaining, if he could, the support of Austria and Russia, and I advised him to direct his efforts to this end. || On rising to take leave M. Natchovits said that he was preparing a Memorandum for the Grand Vizier embodying the substance of his demands, and that he would call upon me after he had again seen his Highness. || I have not yet had an opportunity of speaking to M. Zincview about M. Natchovits' mission; but the Austrian Ambassador, with whom I have exchanged views on the subject, assures me that he does not think there is any chance of the Sultan acceding to the demands of Bulgaria, and that he fears the failure of M. Natchovits' mission may only make the relations between the two countries still worse. || Baron de Calice said that his language to M. Natchovits was very much as he related it to me, and that he told him he could not, at all events without instructions from his Government, support his demands, which he considered would be unacceptable to the Sultan. His Excellency added that he understood the Russian Ambassador had confined himself mostly to listening to what M. Natchovits had to say, but the few remarks he made were much to the same effect as his own.

Nr. 13262. **GROSSBRITANNIEN.** — Derselbe an Denselben. Die türkisch-bulgarische Verhandlung hat zu nichts geführt.

Therapia, June 14, 1903. (June 20.)

(Extract.) || In continuation of my despatch of the 5th instant, I have the honour to report that M. Natchovits called to-day to take leave before returning to Sophia. || In reply to my inquiries as to what success had attended his negotiations with the Grand Vizier, M. Natchovits said that, after some days' consideration, his Highness had informed him that the first duty of the Imperial Government was to put into execution the Austro-Russian reforms, that even these reforms were extremely difficult under present circumstances, and that the condition of Macedonia rendered the acceptance of his proposals impracticable just now. His Highness' general remarks, however, in regard to his desire to improve the relations between the two countries were, on the whole, satisfactory. || M. Natchovits then said that he had been received by the Sultan on Friday, and had explained to His Majesty the object of his visit and the

proposals which he had made to the Grand Vizier. The Sultan replied that he welcomed any indication of a more friendly feeling on the part of the Bulgarian Government, and that he trusted its first result would be some effectual measures to prevent armed insurrectionary bands from crossing the frontier and an end to the encouragement which was given to the Committees throughout Bulgaria. || His Majesty's chief desire was to carry through the programme of reforms. This programme was less radical than those which he had himself prepared, but he had encountered serious difficulties with the Albanians. He hoped, nevertheless, gradually to extend the reforms in a way to satisfy the inhabitants, both Mussulman and Christian, and later on to have an opportunity of embodying M. Natchovits' proposals in a general scheme applicable to all the vilayets of Roumelia. || If any reliance could be placed on promises and expressions of sympathy and goodwill M. Natchovits considered the Sultan's language encouraging, but, as to any practical result, he said he regarded his mission as a failure. He hoped, however, that the seed would fructify in the future, and that his Government would not be deterred from following the policy which had caused him to come here. This policy was based on better relations with the Imperial Government, condemnation of the criminal acts of the Macedonian Committees, and careful abstention from support to the insurgents. It was his own policy, and, what was far more important, that of the Exearch, who expressed his strong disapproval of the violent action of the Revolutionary Committees. He attached the greatest importance to the Exarch's declaration, and he asked him to address a letter in this sense to Prince Ferdinand and the Bulgarian Government in order to strengthen their action. His Beatitude agreed to do so, and he hoped to be the bearer of the letters on Monday. || M. Natchovits further remarked that he had been received in so friendly a manner by the Sultan that he was inclined to think that, although he had in point of fact so far received only vague promises, the road was opened for further negotiations on the same lines. He desired particularly to see a Mixed Commission, composed of Turks and Bulgarian Macedonians, constituted to determine the reforms that were absolutely essential, and he trusted that this Commission would ultimately be invested with some control and authority, without which he feared much would not be done in the way of effective reform. || He had, he said, spoken to the Grand Vizier of the harsh treatment to which the Bulgarians were subjected, resulting in a large emigration into the Principality. He implored his Highness to stop the proceedings, and not to allow people to be arrested on mere suspicion, or simply because they

had given aid to the insurgents when refusal would be punished by death. || His Majesty replied that the Imperial Government were desirous to be as clement as possible, but that the examples of the hundreds of persons who had been lately amnestied, and a great part of whom had rejoined the revolutionary bands, was not encouraging.

Nr. 13263. **GROSSBRITANNIEN.** — Der Gesandte in Sofia an den Minister des Ausw. Türkische Grenzverletzungen. Besorgnisse der bulgarischen Regierung.

Sophia, June 27, 1903. (June 29.)

My Lord, || In my despatch of the 24th instant I had the honour to report the occupation of the heights of Sultantepe and Ruen, close to the Bulgarian frontier near Küstendil, by Turkish troops. The composition of the force, as I was told this morning by General Petroff, the Bulgarian Prime Minister and Minister for Foreign Affairs, is as follows, and not as stated in my despatch: four battalions of infantry, four squadrons of cavalry, and twelve mountain guns. His Excellency said he learnt that this force was only an advanced guard of a larger one consisting of the troops that were being brought away from Albania, and which was to be employed partly in strengthening the frontier cordon, partly in gathering the harvest, so as to deprive the insurgent bands of their source of supplies in the villages. For neither of these operations, he remarked, were guns wanted. || I remarked that if the frontier guards were reinforced, it was only giving effect to the long-standing representations of the Bulgarian Government that the whole burden of stopping the passage of bands fell upon them. General Petroff replied that he had nothing to say against the strengthening of the cordon — although he feared that a mere increase of numbers would not improve their efficiency, of the absence of which he gave me a recent flagrant instance — except that there might be more frequent affrays such as that at Gültepe (reported in my above-mentioned despatch), and that some day one of them might lead to serious consequences. But he feared that the policy of starving the bands into submission might lead to the increase of the number of desperate men in Macedonia, and of that of the refugees coming into Bulgaria, by which public opinion here would be dangerously affected. || He heard also that a concentration of Turkish troops was also in contemplation on the Bulgarian frontier of the Vilayet of Adrianople. He had telegraphed to the Agent at Constantinople about it, and the latter had seen the Grand Vizier, who professed to know nothing, but

said he would give an answer in five or six days, a period, as the General said, in which a complete mobilization could be carried out if desired. || I endeavoured to reassure his Excellency by referring to the known pacific intentions of the Sultan, and the respect of the Turks for His Majesty's authority: but while admitting the former, he doubted the extent of the latter in districts beyond immediate control. || I am inclined to doubt whether General Petroff's apprehensions are as grave as he would represent them, but that he feels some anxiety on account of the desire for war with Bulgaria which prevails in the Turkish ranks is quite certain. || The late special correspondent of the „Times“ in Macedonia, who is returning to England viâ Sophia, tells me he thinks it likely that the troops which have been sent to the Bulgarian frontier are some Albanian regiments which have been showing signs of disaffection at Monastir: if this is so, a worse destination could hardly have been found for them. F. Elliot.

Nr. 13264. **GROSSBRITANNIEN.** — Derselbe an Denselben. Dasselbe.

Sophia. June 29, 1903. (June 29.)

(Telegraphic.) || Since the conversation reported in my despatch of the 27th June, General Petroff has informed me that if Turkish troops are concentrated on either the Macedonian or Adrianople frontiers, he will be obliged to guard against a *coup de main*, not by mobilizing, but by strengthening, the regiments on the frontier. || The Bulgarian Government are preparing a circular note to the Powers.

Nr. 13265. **BULGARIEN.** — Der Minister des Ausw. an die Vertreter in Paris, Petersburg, Wien. Sollen sich über die türkischen Truppenansammlungen beschweren.

Le 16 (29) Juin 1903.

M. l'Agent, || Guidé par les conseils bienveillants des Grandes Puissances et soucieux des intérèts de la Principauté, en présence des événements qui se sont produits dans les provinces Européennes de l'Empire Ottoman, le Gouvernement Princier a donné des preuves de son vif désir et de sa ferme résolution d'entretenir des rapports de bon voisinage avec le Gouvernement Impérial; il a pris toutes les mesures en son pouvoir pour calmer les esprits en Bulgarie et pour empêcher, sur son territoire, des actes et des entreprises de nature à encourager le mouvement révo-

lutionnaire dans ces provinces. || Le Gouvernement Bulgare a fait plus, en ces derniers temps. S'inspirant des intérèts généraux de l'Empire et de la Principauté, il s'est adressé à la Cour suzeraine pour lui proposer de coopérer à l'œuvre d'apaisement et de concorde qu'il poursuit en toute sincérité et loyauté; et dans ce but, il l'a priée instamment de mettre enfin un terme aux persécutions que subissent les populations Bulgares de ces provinces, et de leur assurer un sort meilleur à l'avenir par l'application de réformes qui répondent aux exigences de la situation. || Malheureusement, le Gouvernement Princier constate avec regret que, loin de prendre les mesures nécessaires pour appliquer les réformes et donner la paix et la tranquillité aux populations Chrétiennes de l'Empire, la Sublime Porte semble vouloir aboutir fatalement à une catastrophe également désastreuse pour les deux pays. || Sous prétexte de rechercher des armes chez l'habitant, de poursuivre des bandes révolutionnaires ou d'arrêter des affiliés aux Comités Macédoniens, les soldats de l'armée Impériale et les Bachi-Bozouks s'attaquent à la population paisible et, faisant irruption dans les villages, ils se livrent à des excès et à des crimes épouvantables. Des villages entiers ont été détruits, et ceux des habitants qui ont pu échapper à la mort se sont réfugiés en Bulgarie. || Sous prétexte de mieux assurer la garde de ses frontières contre les incursions des bandes armées d'un territoire dans l'autre, le Gouvernement Impérial avait depuis longtemps doublé et renforcé ses postes militaires. Et pourtant, on sait que, si des bandes ont été arrêtées, c'est grâce à la garde frontière Bulgare dont les postes sont bien moins nombreux et plus espacés que les postes Ottomans. Et voici qu'aujourd'hui le Gouvernement Impérial concentre sur plusieurs points de la frontière Bulgare des troupes considérables d'infanterie, de cavalerie, et d'artillerie. || Pourquoi donc cette recrudescence des persécutions, qui semble un mot d'ordre pour l'extermination de l'élément Bulgare des provinces de l'Empire? || Pourquoi cette concentration inattendue de troupes Impériales sur la frontière de la Principauté? || Afin de justifier ses actes et de préparer ses desseins, le Gouvernement Impérial s'est efforcé toujours à dénoncer les entreprises révolutionnaires à l'intérieur de ses provinces comme étant fomentées par la Bulgarie; il a ainsi essayé d'en rejeter la responsabilité sur le Gouvernement Princier et de provoquer dans la Principauté un mouvement populaire qui aboutit à un conflit armé entre les deux pays. Si le conflit a été évité jusqu'à présent, c'est grâce à la sagesse du peuple Bulgare et à l'attitude loyale et pacifique du Gouvernement Princier. Aujourd'hui, plus que jamais, la situation s'est aggravée. Tandis que le Gouvernement Princier, confiant

dans les promesses solennelles de la Cour suzeraine et dans les résolutions des Grandes Puissances, compte sur un réglement pacifique de la question des réformes, le Gouvernement Impérial juge le moment favorable pour concentrer des troupes à la frontière Bulgare et commencer une action militaire à la suite du premier incident qui s'y produirait. || Un parail état de choses impose au Gouvernement Princier le devoir de prendre ses dispositions pour parer à l'éventualité d'une irruption des forces Impériales sur son territoire. || En conséquence, je vous charge, M. l'Agent, de communiquer ce qui précède au Gouvernement auprès duquel vous êtes accrédité, en vous recommandant de le prier, dans l'intérêt de la paix si ardemment désirée et qui nous a été tant recommandée, de vouloir bien faire des démarches pressantes et énergiques auprès de la Sublime Porte pour qu'elle rapporte les mesures de concentration militaires dont il s'agit et qu'elle applique d'urgence les réformes dans les provinces de l'Empire voisines de la Principauté. Nous croyons devoir déclarer que le Gouvernement Princier décline d'ores et déjà toute responsabilité pour le développement ultérieur des événements, au cas où le Gouvernement Impérial persisterait dans ses dispositions non-amicales à l'égard de la Bulgarie. || Je vous autorise à donner lecture de la présente dépêche à son Excellence le Ministre des Affaires Etrangères et à lui en laisser copie, s'il le désire. Veuillez agréer, &c.

Nr. 13266. **GROSSBRITANNIEN.** — Der Gesandte in Sofia an den Minister des Ausw. Antworten der Mächte auf das vorige.

Sophia, July 6, 1903. (July 11.)

My Lord, || On inquiry this morning at the Bulgarian Foreign Office I learnt that no confirmation had yet been received of the alleged concentration of 30 000 Turkish troops at Koumanova, which I had the honour to report in my despatch of the 4th instant, and that the opinion was gaining ground that it is not true. I told the Secretary-General last night that as soon as the Minister had satisfied himself that the report was unfounded, he ought to tell the foreign Representatives so, and not to wait for a contradiction of it to come from them to him. || I myself believed that his alarm was genuine, but there were quarters in which it would be thought to be simulated with an ulterior purpose, and it was important for the Bulgarian Government to avoid laying itself open to accusations of that kind. The Secretary-General told me this morning that he had repeated my remarks to the Minister. || The

Bulgarian Government has received reassuring replies to its latest note from Vienna, Paris, and St. Petersburgh, and statements in a similar sense from the Ambassadors at Constantinople to the Bulgarian Agent. The Austro-Hungarian Government was the most categorical in declaring that the Bulgarian Government had absolutely no cause to fear an unprovoked attack from Turkey, which would not be allowed. The Russian Government were inclined to be reproachful as to the want of confidence in their promises shown by the Bulgarian appeal. F. Elliot.

Nr. 13267. **GROSSBRITANNIEN.** — Der Botschafter in Konstantinopel an den Minister des Ausw. Proben von den bulgarischen Agitationsschriften.

Therapia, July 7, 1903. (July 13.)

My Lord, || I have received from His Majesty's Consul-General at Salonica three manifolded papers and two printed pamphlets in Bulgarian, containing exhortations and instructions addressed by the Macedonian Committees to the insurgent bands. || These papers were supplied to Mr. Vice-Consul Fontana by his Excellency Hilmi Pasha, the Inspector-General in Macedonia, and were presumably found in the possession of Komitajis, who have been captured or killed. || I have the honour to inclose a short résumé by Mr. Blech of the contents of these papers. which will, I think, suffice to give a general idea of their scope and purport. The most interesting are the two printed pamphlets, the first of which is entitled, „Rules for Bands of the Secret Macedono-Adrianople Revolutionary Organization," and contains directions respecting methods of agitation, the organization of the bands and their active operations; while the second, entitled, „Handbook for the Use of Explosives and Methods of Destruction," gives detailed instructions, apparently by an expert on these subjects. N. R. O'Conor.

Anlage.

Résumé by Mr. Blech of Pamphlets, &c.

1. Pamphlet entitled, „Who requires reform in Turkey, and who impedes such Reform?" || The answer is the Macedonian, whose development is impeded by the Greeks; these have always been the enemies of the Bulgarians, and joined with the Turks against them. || This work attacks the Greeks violently, proves that the other nationalities are not worth taking into account, and affirms that only England and France

sympathize with Bulgaria. The conclusions are: — || (1.) Macedonia deserves freedom and the sympathy of Bulgaria, France and England; || (2.) The Macedonians must prove to their enemies, both in the Balkans and of the Great Powers, that they are no longer a savage race. || 2. Constitution of the Secret Revolutionary Organization of Macedonia and Adrianople. || The object aimed at is to unite all elements in Macedonia and Thrace, disaffected towards Turkey, of whatever race. All dissensions are to be avoided. Directions are given for the formation of local Committees. A second paper lays down the methods to be followed by the bands in dealing with the villagers. || 3. A printed pamphlet entitled „Rules for Bands of the Secret Macedono-Adrianople Revolutionary Organization," gives fuller instructions under the different heads: agitation, organization, executive task, final task (as regards operations when the insurrection is general), general dispositions of the band, relations of the band with the Committee, and internal statutes of the band. || Finally, a pamphlet entitled, „Handbook for the Use of Explosives and Methods of Destruction" urges the insurgents to imitate the Boers, whose courage and determination are extolled, in destroying railways and means of communication. Directions for the manufacture and employment of the following explosives are given: gunpowder, pyroxiline, dynamite, ecrasite, tonite, Betollet's salt [?], &c. Directions follow for the destruction of wooden, stone and iron buildings, of rails, telegraphs, roads, for derailing trains and destroying waggons, engines and stations, blowing up bridges and making bombs. || This is apparently written by an expert.

Anlage zu einem Bericht vom 8. Juli.

Introduction to the „Treatise on the Use of Explosices and the Art of Destruction".

The struggle against tyranny which our race has begun, and is pursuing with such determination, demands the application of various methods. || This pamphlet is designed to explain the technical side of one, which has been eminently successful in the past, and the future of which is assured. || That valiant nation, that hardy race, the Boers, who defended their country with such courage, who fought undismayed for three years and killed a number of Englishmen equal to the whole of their own population, owe their victories not only to the deep love which they bore the land where they had been born and bred, not only to the zeal with which they sacrificed themselves for the good of their country and its freedom, not only to their heroism, but also to those of them who

dared to attack and destroy the railway lines and stations, thus rendering it impossible for the enemy to send troops and cannon in pursuit of them. || Isolated individuals or small bands destroyed the railroads, and rendered the enemy incapable of movement, baffling the plans of Generals, who had thousands of men under their command. || This courage of the Boers, their daring in battle, and their devotion to liberty exalted them in the eyes of the whole world, and all who have heard of them and of their glorious exploits cannot but love them and take them as an example. || Their system in fighting was sudden attack and annihilation of the enemy with swift retreat, destruction of his roads, wrecking of his bridges and trains — all this so bold and original astounded the world. || They showed us how to fight and to die for liberty — a holy example worthy of imitation. || That is how we must fight; how we must defend our nation and its freedom.

Nr. 13268. **GROSSBRITANNIEN.** — Der Botschafter in Petersburg an den Minister des Ausw. Österreich-Ungarn und Rußland haben Vorstellungen in Konstantinopel erhoben.

St. Petersburgh, July 25, 1903. (July 25.)

(Telegraphic.) || Turkey has, I understand, been seriously warned by the Austrian and Russian Governments that they no longer can remain indifferent to excesses which have been committed in Macedonia by Turkish troops, both regular and irregular, and the grave nature of which has been established by Consular inquiry.

Nr. 13269. **TÜRKEI.** — Der Botschafter in London an den englischen Minister des Ausw. Greuel der bulgarischen Banden. Die bulgarische Regierung soll sie unterdrücken.

August 6.

Musurus Pacha présente ses compliments au Marquis de Lansdowne et, pour faire suite à la dépêche télégraphique Circulaire de la Sublime Porte, en date du 3 de ce mois, dont il a déjà communiqué le contenu à sa Seigneurie, il a l'honneur de porter à sa connaissance que, suivant une nouvelle dépêche télégraphique Ministérielle qu'il vient de recevoir sous la date d'hier, le Vali de Monastir télégraphie que des Bulgares ont incendié, le 3 de ce mois, les villages de Deulindjé et de Ramna, habités exclusivement par des Musulmans, déstruit les lignes télégraphiques, attaqué le chef-lieu de la commune de Krouchovo, brûlé

l'hôtel de l'autorité locale, ainsi que le bureau télégraphique, et massacré cinquante soldats qui y étaient en garnison. Les bandits se livrent également à des actes de brigandage dans diverses localités du district de Kirtchova, attaquent les villages Musulmans par l'emploi même de bombes, et forcent les Bulgares des villages voisins à les suivre dans les montagnes. En outre, un grand nombre de brigands se trouvent dans les montagnes de Perlépé et auraient l'intention d'attaquer cette localité. || Le Vali de Salonique télégraphie, de son côté, qu'une bande de plus de soixante brigands Bulgares a, dans la soirée du 3 de ce mois, à 4 heures à la Turque, attaqué le village d'Ekchisou, détruit avec de la dynamite l'aiguille de la voie ferrée à la station du dit village, coupé le fil télégraphique sur une longueur d'un kilomètre, et enlevé quinze poteaux en fer. || Les autorités Impériales ont pris des mesures efficaces pour la répression de ces actes de brigandage. || Des Commissions composées de fonctionnaires civils et militaires et présidées par les inspecteurs judiciaires ont été instituées pour le jugement et la punition des auteurs des crimes dont il s'agit. Une ou deux autres Commissions, composées également de fonctionnaires civils et militaires, seront envoyées sur les lieux avec mission de conseiller aux Bulgares de ne point se départir de leurs devoirs d'obéissance et de fidélité envers le Gouvernement Impérial, et de remettre aux autorités Impériales les armes se trouvant entre leurs mains. || Ces mesures, ainsi que celles prises jusqu'ici par le Gouvernement Impérial, prouvent son désir sincère d'assurer le maintien de l'ordre dans les provinces Européennes de l'Empire et l'application des dispositions arrêtées. || Comme cependant les bandes formées en Bulgarie continuent, nonobstant les assurances données par la Principauté, à faire irruption dans les vilayets limitrophes et cherchent par tous les moyens criminels à enrayer l'action du Gouvernement Impérial, il importe de mettre un terme à la formation des dites bandes et à leur passage par la ligne de démarcation. || Musurus Pacha prie en conséquence sa Seigneurie, conformément aux instructions qu'il a reçues de son Gouvernement, de vouloir bien faire à Sophia les communications nécessaires à cet effet.

Nr. 13270. **GROSSBRITANNIEN.** — Der Botschafter in Konstantinopel an den Minister des Ausw. Neue Unruhen.

Constantinople, August 6, 1903. (August 6.)

(Telegraphic.) || Monastir insurrection. || Following received from His Majesty's Vice-Consul at Monastir, delayed in dispatch and dated 4th

August: — || „An insurrectionary movement broke out in the Cazas of Okhrida, Perlepe, Florina, and Monastir on the night of the 2nd instant. || The railway has been damaged near Banitsa, and all the telegraph wires cut; but the former has been repaired, and the latter partially restored. || Several fights have taken place at Smilevo and Ekshisou, and Turkish villages in the districts of Resna, Kirchevo, and Kroushevo have been attacked by insurgents. || In many districts the peasantry have retired to the mountains, abandoning their villages *en bloc.* || Monastir is panic-stricken, and the Vali has asked for more troops.“ || Following received from His Majesty's Consul-General at Salonica of the same date: — || „Telegraph communication with Monastir is cut. It is reported that Government buildings at Kroushevo have been blown up with considerable loss of life. Eight battalions are being sent to Monastir from Uskub district.“ || The Porte is informed that the crops of Moslem villagers are being burnt in the fields by the insurgents, and state that they are doing all in their power to restrain the inhabitants from reprisals.

Nr. 13271. **GROSSBRITANNIEN.** — Der Botschafter in Petersburg an den Minister des Ausw. Die russische Politik bleibt unverändert. Genugtuung für die Morde.

St. Petersburgh, August 14, 1903. (August 14.)

(Telegraphic.) || It is fully realized by Count Lamsdorff that the recrudescence of the insurrectionary movement in the district of Monastir, and the encouragement derived by the Committees from the assassination of a second Russian Consul*), a crime for which Russia must obtain adequate and signal satisfaction, has considerably aggravated the situation in Macedonia. His Excellency has, however, promptly taken steps to dispel any thought of Russia being induced by any consideration or occurrence in the Balkans to abandon her settled policy in regard to the insurrection.

Nr. 13272. **GROSSBRITANNIEN.** — Der Botschafter in Konstantinopel an den Minister des Ausw. Unterredung mit dem Sultan.

Constantinople, August 14, 1903. (August 15.)

(Telegraphic.) || I had an interview with the Sultan this afternoon at his request, in the course of which His Majesty informed me that

*) Am 8. August war in Monastir der russische Konsul ermordet worden. Vergl. Europ. Geschkal. 1903. S. 342, 49. Red.

the Committees were doing all in their power to provoke reprisals and foreign intervention by exasperating the Moslem population beyond endurance, and that he had just received news that a revolutionary band has cruelly massacred officials, including Agent of the Ottoman Public Debt at Perlepe. || He is confident of being able to restrain his subjects and army in the future as he has done for months past—being fully aware of the danger of excesses being committed either by the troops or Moslem population, and he absolutely denies that the Mahommedan population at Uskub or elsewhere has been given a single rifle. He adds that this mendacious report will be contradicted by the Porte. || It is not known whether the Russian Government accept the „amendes" already made for the murder of the Russian Consul, as reported in my telegram of the 14th instant, but, up to the present, no specific demands have been formulated by the Russian Ambassador.

Nr. 13273. **GROSSBRITANNIEN.** — Der Gesandte in Athen an den Minister des Ausw. Die griechische Regierung fürchtet Mißhandlungen der mazedonischen Griechen durch die Bulgaren.

Athens, August 11, 1903. (August 17.)

My Lord, || I have the honour to report to your Lordship the substance of the remarks on the subject of recent occurrences in Macedonia made to me by M. Rhally yesterday at the conclusion of a visit I had paid him in connection with several pending questions. || His Excellency told me that news had been received within the last few days of serious outbreaks at Kroushevo and Okhrida in the Vilayet of Monastir. These outbreaks had been provoked by Bulgarian bands said to be of considerable numerical strength. The rising at Okhrida had been put down by the Turkish troops. His Excellency had not so far heard of the suppression of the outbreak at Kroushevo, but understood that Hilmy Pasha was marching towards that district at the head of ten battalions. || M. Rhally expressed great concern at the present state of affairs in Macedonia. The Greek Orthodox population there was being molested, maltreated, and killed, being made to suffer thus heavily on account of their refusal to assist or join the insurgent bands. He had a long list of acts of brigandage perpetrated on Greeks in Macedonia. || Through their desire to afford such protection as they could to their co-religionists in Macedonia, the Greek Government were placed in a position of extreme difficulty „between the hammer and the anvil." Under these painful and

difficult circumstances, the Greek Government were exercising the greatest patience and self-restraint. His Excellency hoped that due note would be taken of this correct attitude. ‖ M. Rhally said that he well knew how important and numerous the questions were in which His Majesty's Government were engaged at present all over the world, but he hoped their attention would be directed to the very serious position and sufferings of the Greek Orthodox population in Macedonia. ‖ On my asking how far, to his knowledge, the application of the scheme of reforms was progressing, M. Rhally answered that as soon as a step was taken in that direction a fresh Bulgarian band appeared over the border.

Charles des Graz.

Nr. 13274. **GROSSBRITANNIEN.** — Der Gesandte in Sofia an den Minister des Ausw. Übersendet eine Mitteilung des mazedonischen Komitees, die den Aufstand rechtfertigt und Einschreiten der Mächte fordert.

Sophia, August 12, 1903. (August 17.)

My Lord, ‖ I have the honour to transmit to your Lordship herewith a copy of a letter which was left at this and the other foreign Agencies the day before yesterday, with the card of Dr. Christo N. Tatarcheff. It is signed by him and by Christo Matoff as „Délégués de l'Organisation Intérieure à l'Étranger;" it justifies the present outbreak of insurrection in Macedonia, appeals for the intervention of the Powers, and recommends the immediate nomination of a Christian Governor-General independent of the Sublime Porte, and the establishment of a collective international control. ‖ I have not acknowledged the receipt of this letter.

F. Elliot.

Anlage.

Sophia, le 10 Août, 1903.

Excellence, ‖ Les Délégués représentant l'Organisation Intérieure à l'Étranger ont l'honneur de porter à la connaissance de votre Excellence, avec prière de la communiquer au Gouvernement Royal, la déclaration suivante: — ‖ Les violences impunies des Musulmans et les persécutions systématiques de l'administration ont acculé les Chrétiens de Macédoine et ceux du Vilayet d'Andrinople à la nécessité de prendre en masse les armes pour résister. Ils ont eu recours à cette extrémité après avoir épuisé tous les moyens pacifiques en vue d'amener l'intervention de l'Europe dans le sens des Traités qui ont réglé la condition de ces populations. Cette intervention reste encore à l'heure actuelle le seul moyen de remédier au mal et d'arrêter l'effusion du sang. Les démarchés intermit-

tantes tentées jusqu'à présent par le concert Européen dans le but d'améliorer le régime Turc par des mesures palliatives n'ayant amené qu'une recrudescence du fanatisme Musulman et de l'oppression gouvernementale, il reste évident que cette intervention ne saurait être efficace que si elle avait pour résultat préliminaire et immédiat: — || 1. Nomination, avec l'assentiment des Grandes Puissances, d'un Gouverneur-Général Chrétien n'ayant jamais appartenu à l'Administration Ottomane et indépendant de la Sublime Porte dans l'exercice de ses fonctions. || 2. Institution d'un contrôle international collectif, permanent et pourvu d'un large droit de sanctions. || En faisant connaître les causes qui ont détérminé l'acte de désespoir des populations révoltées et les mesures propres à en arrêter ses suites, l'Organisation Intérieure rejette toute rèsponsabilité et déclare que, puisant son énergie dans l'idée du devoir et dans les sympathies du monde civilisé, elle poursuivra la lutte jusqu'à l'accomplissement intégral de sa tâche.

Les Délégués de l'Organisation Intérieure à l'Étranger,
(Signé) Dr. Christo Tatarcheff.
Christo Matoff.

Nr. 13275. **GROSSBRITANNIEN.** — Der Botschafter in Petersburg an den Minister des Ausw. Rußland und Österreich-Ungarn lehnen die Sendung von Bevollmächtigten zu den türkischen Truppen ab*).

St. Petersburgh, August 17, 1903. (August 17.)

(Telegraphic.) || The Austrian Ambassador informs me that neither here nor at Vienna is the proposal to send Military Attachés, referred to in Sir N. O'Conor's of the 10th instant, regarded as desirable or practical. He said that, apart from other objections, it was clear that to follow all the movements of the Turkish troops would be impossible, as these will be dispersed over the wide area of insurrection, acting in detached bodies.

Nr. 13276. **GROSSBRITANNIEN.** — Der Gesandte in Sofia an den Minister des Ausw. Rußland und Österreich-Ungarn haben die bulgarische Regierung zum Vorgehen gegen die Komitees gedrängt.

Sophia, August 15, 1903. (August 18.)

My Lord, || The Russian Agent has received instructions to inform the Bulgarian Government that, although the Russian Government will

*) Am 10. August hatte die englische Regierung die Ernennung von europäischen Militärattachés bei den türkischen Truppen angeregt. Red.

require full satisfaction from Turkey for the death of their Consul at Monastir, yet it must be clearly understood that no measures which they may find it necessary to take with this object indicate the slightest departure from their general policy, and that they will give no support whatever to fomenters of disturbance; and they call upon the Bulgarian Government to take more vigorous action against the Macedonian Committees which work from within the Principality. || The Austro-Hungarian Government have instructed their Representative to speak in a similar sense.
F. Elliot.

Nr. 13277. **GROSSBRITANNIEN.** — Der Gesandte in Belgrad an den Minister des Ausw. In Serbien wird die Bevölkerung unruhig. Verwicklungen mit der Türkei drohen.

Belgrade, August 18, 1903. (August 22.)

My Lord, || With reference to the rising in Macedonia, I have the honour to report that, during the last few days, meetings have been secretly held in Belgrade for the purpose of raising and arming bands for the invasion of Turkish territory. So far, they have not met with any great success, and, as far as I can ascertain, the majority of those who have enrolled themselves are Turkish subjects. || There is always a considerable floating population who come from old Servia to find work in this country as porters and wood-cutters, and it is mostly from this class that recruits have been raised. || Though a band of some sixty armed men is said to have left Belgrade some days ago, the Turkish Minister assures me that none have as yet crossed the frontier. His Excellency also informed me that he had made representations to the Servian Government as to the desirability of putting a stop to these meetings, but that the Minister for Foreign Affairs had replied that, under the Servian law, it was difficult for them to take action in the matter; M. Kahevitch further declared that the purpose of these meetings was not for the raising of bands, but merely for collecting funds and expressing sympathy for their co-religionists beyond the frontier, and that to take measures against them would raise a degree of hostile feeling, which the present Government were not inclined to face. || It is to be noted, however, in this connection that the Radical papers have lately been preaching, in very strong language, the legality of revolution in general and that of the Macedonian revolution in particular, and maintaining that it is not only justifiable, but the duty of every man to aid it rifle in hand. || These same papers try to arouse the national feeling

of jealousy towards Bulgaria by pointing out that whenever the Committees occupy a Macedonian village they hoist the Bulgarian flag, and that, when the day comes for a settlement of the claims of the various races, the Bulgarians will claim these districts by right of conquest unless Servia makes her influence felt. || Up to the present no very great importance need be attached to this movement, which shows no signs of spreading rapidly, and, so far as can be ascertained, is not directly encouraged by the Government. || Should, however, the situation in Macedonia become worse, it is probable that Turkey will be obliged to strengthen her military forces on the Servian frontier.

Wilfred G. Thesiger.

Nr. 13278. **GROSSBRITANNIEN.** — Der Botschafter in Konstantinopel an den Minister des Ausw. Übersendet Konsulatsberichte über den Aufstand östlich von Saloniki und in Kossovo.

I.

Consul-General Graves to Sir N. O'Conor.

Salonica, August 11, 1903.

Sir, || With reference to my despatch of the 9th instant, I have the honour to report that the person whom I sent to make inquiries into the condition of some of the cazas of this vilayet lying to the east of the Vardar Valley has returned to Salonica. From his Report, a copy of which I have the honour to inclose, it will be seen that there is reason to anticipate that the insurrectionary movement which began on the 2nd instant in the Vilayet of Monastir, and is expected to break out in the cazas of Salonica west of the Vardar in the course of the next few days (the 14th August being, according to general rumour, the date fixed by the Committee), will subsequently extend to the eastern cazas of the province, and be supported by bands crossing over from Bulgarian territory. My informant excepts the Caza of Demir Hissar, which he describes as being thoroughly disarmed and reduced to submission, and that of Kilkish, where the ground is unfavourable for partisan warfare, and where the population, discouraged by the recent operations round the Lake of Amatovo, are, he thinks, unlikely to join in the rising, excepting under severe compulsion. || I have also the honour to transmit herewith copy of a despatch from the British Vice-Consul at Serres, reporting the reappearance of insurgent bands in his district, and tending to confirm the information contained in my first inclosure,

R. W. Graves.

II.

Report on Eastern Cazas of Salonica Vilayet.

Caza de Démir-Hissar.

Depuis la mort du fameux chef de bande Bulgare, Alexis de Poroyé, tué il y a à peu près un mois et demi, jusqu'à ces derniers jours, le Caza de Démir-Hissar jouissait d'une certaine tranquillité pour ce qui concerne le mouvement des bandes, Pendant ce temps-ci les autorités Turques avaient fait de grandes poursuites contre les villageois soupçonnés d'avoir aidé et entretenu Alexis, et les vexations n'ont pas manqué. Le premier rôle avait été joué par un certain Ahmet Effendi, Moulazim des Moustahfiz, qui avait torturé beaucoup des villageois pour les forcer à lui remettre les armes qu'ils avaient déjà reçues du Comité. Cette manière d'agir d'Ahmet Effendi força plusieurs villageois à prendre la fuite et se sauver en se rendant aux bandes, En même temps les gens d'Ahmet Effendi n'ont pas hésité de piller les maisons des villageois. Après Ahmet Effendi vient le nommé Ali Bey, Mal-Moudiri de Caraféria, nommé remplaçant provisoire du Caïmacam de Démir-Hissar. Celui-ci complétait l'œuvre d'Ahmet Effendi et avait rempli les prisons de Démir-Hissar de villageois, dont plusieurs se trouvent encore là sans être nullement coupables. De cette manière les autorités Turques étaient parvenues à ramasser plusieurs fusils parmi les villageois. Quant à la question des armes, il arrive quelquefois qu'une bande donne à un certain nombre de villageois des fusils, et les „Bandistes“ connaissent déjà les villageois qui possèdent des armes; mais le Comité local prend souvent un fusil à un villageois et le donne à un autre, ce qu'ignorent les „Bandistes;“ il arrive, donc, que si un de ces „Bandistes“ tombe entre les mains des autorités Turques, il dénonce ceux qui avaient reçu des armes, et les autorités forcent ces derniers à leur rendre des armes qu'ils n'ont plus pour la cause sus-mentionnée du Comité local, et, par conséquent, elles les maltraitent terriblement, ce qui est arrivé dernièrement aux villages de Démir-Hissar, où des villageois, dénoncés comme ayant des armes, ont été obligés d'acheter des armes auprès des Turcs et de les remettre aux autorités pour se sauver des coups de bâtons. Telle était la situation jusqu'à ces derniers jours, lorsque, tout d'un coup, de nouvelles bandes se présentèrent dans ces endroits-là. Avant quatre jours une bande forte de quarante hommes s'est rendue au village „Orman Tchiftlik“, à deux heures de la ville de Melnik, où elle assassina un villageois avec sa famille, en tout six personnes, et mit le feu à sa maison sous le prétexte que ce villageois avait trahi une bande. Samedi

une autre bande s'était rendue au village de Krouchevo, à trois heures de Démir-Hissar, et comme les Turcs croyaient qu'il y avait une communication souterraine entre plusieurs maisons de ce village, qui compte trois cents familles, ils avaient demandé à Serrès la permission de mettre le feu au village. Les autorités de Serrès n'ont pas approuvé cette proposition, mais elles ont donné l'ordre de bloquer le village, et le blocus commenca depuis avant-hier. D'autres bandes de dix à quinze personnes ont commencé à entrer de la Bulgarie en Macédoine, malgré toute la surveillance des Turcs à la frontière. En prenant en considération tous ces faits, il faut supposer que les Bulgares préparent aussi un soulèvement aux Cazas de Razlog, Djoumaya-Bala, Pétritch, Melnik, Démir-Hissar, Serrès, et Névrokop, mais ce soulèvement n'aura pas lieu d'ici quelques jours, mais peut-être dans quelques semaines. D'après toutes les apparences, ce soulèvement ne réussira pas au Caza de Démir-Hissar à cause des dernières poursuites, lesquelles ont terrorisé les habitants, et à cause du manque d'armes, la plus grande partie des armes fournies par le Comité aux villageois de ce caza étant tombé entre les mains du Gouvernement. Il n'y a que la population Valaque de ce caza qui soit bien armée et redoutable, mais c'est une question si elle voudra se mettre du côté du Comité. || Le soulèvement, qui n'aura peut-être pas de chances de réussite au Caza de Démir-Hissar, trouvera un terrain très favorable aux Cazas de Pétritch, Melnik, et autres où des poursuites n'ont pas eu lieu dernièrement, et la population y est armée et préparée. || Dernièrement le Férik Chakir Pacha a fait une inspection de toute la frontière Bulgare de ce côté-là. On dit qu'après la promotion d'Ibrahim Pacha, Commandant de Serrès et de la frontière Bulgare au grade de Mouchir, Ibrahim Pacha va se retirer de ce poste, et il sera remplacé par Chakir Pacha. Quant à la mort d'Alexis, celui-ci a été tué dans les circonstances suivantes: — || Six jours avant sa mort Alexis avait attrapé avec sa petite bande de quatre personnes deux villageois, auxquels il prit tout l'argent qu'ils portaient sur eux, à savoir, 12 livres pour acheter des chèvres. Alexis avait retenu cette somme pour lui-même, sans rien en donner à ses compagnons, de sorte que son cousin germain Mito, qui était aussi de la bande, sépara deux jours après d'Alexis et alla à Poroyé, où il se rendit aux autorités Turques, et celles-ci, l'ayant habillé d'habits militaires, lui donnèrent un détachement militaire pour poursuivre Alexis; deux jours après Alexis fut tué avec un de ses compagnons du côté de Pétritch par ce détachement. || Plusieurs villages exarchistes se sont déclarés dernièrement comme patriarchistes pour pouvoir éviter les poursuites des autorités Turques. Parmi les

autres sont les grands villages Spatovo, Zaviaco, Hadji, Beylik, &c.; mais tout cela pour se sauver des poursuites.

Caza de Kilkisch.

Le Caza de Kilkisch ayant été depuis le commencement de l'action Bulgare un centre du Comité Macédonien, il a subi toutes les différentes phases du Comité. On y rencontre encore les deux différentes parties du Comité, c'est-à-dire, les Vyrchovistes (partie Michailovski-Tsontcheff) et les Centralistes (Sarafoff-Deltcheff). Les habitants de la ville de Kilkisch surtout étaient bien initiés aux affaires du Comité et ont beaucoup travaillé. || Cependant, les derniers faits dans ce caza ont beaucoup découragé la population. Après l'affaire du Lac d'Amatovo, laquelle fut la cause du ravage de tous les villages situés aux environs de ce lac et appartenant, pour la plupart, au Caza de Kilkisch, est venue celle du village l'Apostolare, où quatre villageois ont été tués et douze maisons brûlées. Les hommes de ce village se sont sauvés par la fuite et ont rejoint les bandes; les maisons ont été tout à fait pillées, et les femmes et les enfants sont restés sans protection; d'un autre côté, les habitants de la ville de Kilkisch ont grande peur d'un attentat de la part des Turcs contre eux, et ils veulent éviter tout trouble à la ville et au caza. En y ajoutant que les autorités Turques ont installé presque dans tous les villages des détachements militaires et que le terrain de ce caza n'est pas propre à l'entretien de grandes bandes, n'ayant ni montagnes ni forêts, il faut considérer que la population de ce caza n'est pas disposée à prendre part au soulèvement d'elle-même et que, si elle le fera, elle y aura été forcée.

III.

Vice-Consul Théodoridès to Consul-General Graves.

Serrès, le 10 Août, 1903.

M. le Consul-Général, || J'ai l'honneur de vous informer que Vendredi passé, près de Bansko (Caza Razlog), une rencontre a eu lieu entre une bande Bulgare, commandée par Sardinsky et forte de cinquante personnes, et un détachement de troupes Turques; les bandits, après avoir laissé sur le champ trois tués et beaucoup de munitions, prirent la fuite, en emmenant avec eux leurs blessés; de la part des Turcs, trois furent tués. || Sauf la susdite bande, il y a encore les suivantes qui envahirent le territoire Turc: — || 1. Une bande composée de soixante personnes et commandée par le fameux brigand Dontzio, qui opère dans le Kressna-Koli; même, Mercredi passé, Dontzio s'est rendu à Orman-Tsiflik, deux

heures distant de Melnik, et a brûlé la maison d'un notable du village, avec toute sa famille, femmes et enfants, au nombre de six; || 2. Une bande composée de soixante-dix personnes, et commandée par Sandaloff, qui opère à Demertzik-Koli; || 3. Et une bande composée de neuf personnes, et commandée par Radet, qui opère entre Vrondou et Démir-Hissar. || En général à Rilo les Comités se préparent activement pour une invasion prochaine en bloc.

IV.

Vice-Consul Fontana to Consul-General Graves.

Uskub, August 11, 1903.

(Extract.) || I telegraphed to His Majesty's Ambassador on the 9th instant, reporting an explosion of dynamite at Zibefché station, and I now have the honour to report further upon the incident in question. || It seems that a portmanteau containing a dynamite bomb and detonator was registered at Philippopolis for Uskub. The trunk was removed from the luggage van at Zibefché by the zealous, though somewhat illiterate, employés of the custom-house there, who, by the time they has spelled out the adress, were too late to replace it in the van. It was accordingly taken to the depôt, or luggage room, to await the following day's train. Towards 1,30 P.M. the explosion occurred, the train from Zibefché usually reaching Uskub at about that hour. The depôt was wrecked, but there was no loss of life. There seems no doubt that the detonator was timed to cause an explosion at the Uskub station at the moment of arrival, and before the train from Salonica (which is compelled to await the arrival of the train from Zibefché) had steamed out. The panic would then have been complete — the two trains full of passengers, the station platform crowded, as it always is, by loungers, police, hamals, soldiers, hawkers, and travellers — and a general rush for the two narrow station outlets, and trampling under foot of men, women, and children would very probably have ensued. || Subsequent to the explosion, a bag and a box containing dynamite were discovered in another part of the custom-house at Zibefché• They were destined, it appears, for Ishtib and Stroumnitsa. || It is alleged that a Bulgarian named Poushkouroff, at the head of a band of eighty Bulgarians, quite recently made is appearance in the Radovishté Caza, and that his followers split up into eight bands, each of ten men, who, after trying unsuccessfully to incite the peasantry thereabouts to open revolt, made their way into the vilayets of Salonica and Monastir. The immediate frontier district it said to be now overrun with small bands. The telegraph posts in the Kratova-Keuprulu district are so damaged

that some time must elapse before telegraphic communication is fully re-established. || Since the 5th instant, thirteen battalions have passed Uskub from Mitrovitsa and Ferisovitch for the Monastir and Salonica vilayets. || A requiem mass was celebrated by the Bulgarians of this town in their church this morning in memory of M. Rostkovsky, the Russian Consul murdered at Monastir. The town is quiet; the majority of the Bulgarians have refused hitherto to listen to the incitement of the Komitajis, and it is hoped that no serious outbreak will occur. It is feared, however, that the bolder spirits are merely awaiting the signal for action. The Moslem townspeople are fully armed, and the shopkeepers have weapons to hand both in their houses and their shops. In obedience to the instructions of His Majesty's Ambassador, I have pointed out to the Vali the extreme importance attaching, in the interest of Turkey, to the suppression of any eventual Bulgarian rising in this province by the troops, and by them alone, to the exclusion of Moslem civilian interference. His Excellency expresses his thanks, and states that measures to that end have already been adopted. I have on several occasions spoken to Hilmi Pasha in the same sense, and he always gave me every assurance that only the military and the gendarmes would be employed in suppressing a revolt, and that not the slightest excess on their part would be tolerated.

V*).

Consul-General Graves to Sir N. O'Conor.

Salonica, August 13, 1903.

Sir, || I have the honour to transmit herewith a report on the condition of the Caza of Doiran, which has been prepared for me by the author of the reports on the Cazas of Demir-Hissar and Kilkish, inclosed in my preceding despatch. || My informant thinks that the eastern half of Doiran, bordering on Demir-Hissar and Kilkish is, like the two last-mentioned cazas, reduced to comparative tranquillity, and unlikely to participate in any insurrectionary movement in the near future. The western half of the Doiran Caza, on the other hand, appears, like Gevgeli, to be ripe for revolt. || From Gevgeli I learn that on the 10th instant, the day of the blowing up the Gevgeli Railway bridge, a large band of insurgents appeared at the village of Konsko, where the insurgent flag was unfurled, and the leader, Apostoli, sent a letter to the Turkish authorities, announcing that the time for concealment had passed, and

*) Die Berichte V—VII kamen am 24. August nach London. Red.

that he was about to commence hostilities. || I am also informed that disturbances have taken place at Goumenja, where bombs were thrown and some loss of life ensued, but no coherent account of what took place is as yet forthcoming. || Bands are also reported to be operating in the mountainous district of Malesh, situated of the south of Joumaia-Bala and west of the Upper Strouma Valley. || I am informed to-day by the Vali that he has received authority from Constantinople to enrol a force of gendarmes, 2000 strong, whom he considers better fitted than regular troops for the pursuit of the bands in difficult ground, and he assures me that he will be able to put 500 or 600 of them in the field very shortly. || Special precautions are being taken to guard against disturbances in the town of Salonica, where great apprehension exists of a renewed attempt by Bulgarian anarchists to bring about panic and massacre by the use of dynamite. || I have strongly impressed upon his Excellency the urgent necessity — to which he seems quite alive — of preventing any sanguinary excesses on the part of the troops and of the Mussulman population in the repression of the insurrection.

R. W. Graves.

VI.

Report on Doiran Caza.

Après l'attentat de Salonique et l'arrestation de plusieurs Bulgares de la ville de Doiran et de son caza, les Bulgares y avaient perdu tout à fait leur courage, mais plus tard, après la mise en liberté de ces arrêtés, la population Bulgare y devint de nouveau audacieuse et même provoquante. Maintenant, si en prenant comme base la ville de Doiran on divise le Caza de Doiran en deux parties, on peut remarquer que dans la zone de l'est, située entre la ville de Doiran et les limites des Cazas de Demir-Hissar et Kilkisch, il y a une grande tranquillité. Dans cette zone il n'y a eu jusqu'à présent aucune bande Bulgare depuis l'extermination de la bande d'Alexis, qui y agissait dernièrement. Plusieurs grands villages, comme Akindjali, Sourlovo, Potorose, dans cette zone, ont déjà reconnu le Patriarchat, et se sont déclarés comme Grecs. Les villageois de cette zone ne se préparent nullement pour un mouvement prochain, et si des troubles éclataient dans cette zone, ils seraient provoqués, non pas par les villageois, mais par des bandes étrangères. || Tout autre est la situation dans la zone de l'ouest, comprise entre la ville de Doiran et Guevguéli. Dans cette zone il y a plusieurs bandes Bulgares, entre autres la bande d'Arghyre, originaire du village Sechevo, près de Guevguéli; celle de Savvas, originaire de la ville de Guevguéli; et encore

la bande de Delio Kylitzli, originaire du village Bogdantsa. Comme lieux principaux de ces bandes servent les villages Bogdantsa, Guirtsista, Diabato, et Stoyacovo, de cette zone, où elles trouvent toujours un refuge. Il paraît que plusieurs Turcs du village Bogdantsa se seraient entendus avec les bandes auxquelles ils servent comme recéleurs. Ces bandes visitent dans ces endroits surtout les maisons de Patriarchistes, d'où elles prennent des vivres même par force en disant qu'elles ne travaillent pas ici pour les intérêts Bulgares, mais exclusivement pour la liberté de la Macédoine. Avant quelques jours ces bandes ont appelé les gens du pays inscrits déjà dans les rangs des bandes, et vingt-sept jeunes gens du village Bogdantsa se sont rendus à cet appel, mais de ces vingt-sept jeunes gens on a gardé seulement sept, et les autres ont été renvoyés chez eux. En même temps les bandes avaient enlevé par force deux jeunes frères du village Guirtsista, mais le père de ces jeunes hommes s'est rendu auprès du commandant de la bande, qui les laissa s'en aller. || Les Bulgares préparent un mouvement dans cette zone, mais pas avec activité; il paraît qu'ils n'ont pas assez d'armes, et encore qu'ils veulent tromper les autorités Turques. Les Bulgares pensaient qu'après les désordres dans le Vilayet de Monastir, les autorités Turques auraient concentré des grandes forces militaires à Monastir en dégarnissant de troupes ces contrées-ci, qui paraissent tranquilles, et ils veulent profiter d'un pareil moment pour commencer le mouvement ici. Les Bulgares comptaient commencer le mouvement ici dans une dizaine de jours, mais il paraît que l'appel de nouveaux réservistes Turcs les décourage. || La population Turque de Doiran est fort agitée, et elle s'est décidée, en cas de troubles, de se débarrasser des Bulgares de la ville en les massacrant tous. || D'après de nouvelles venant de Strumnitza, ce caza est encore tranquille, malgré la présence de deux bandes Bulgares, dont l'une est commandée par un certain Rizoff. Des bandes Bulgares ont mis le feu aux céréales des Turcs aux villages de Malesch, et elles ont brûlé plusieurs moulins Turcs.

VII.

Consul-General Graves to Sir N. O'Conor.

Salonica, August 16, 1903.

Sir, || Although confirmation has been received of the news reported in my despatch of the 13th instant that there had been fighting at Goumenja, little is known of the details of the affair except that the

Turkish authorities claim to have repelled an insurgent attack, and that the Exarchist Bulgarian inhabitants of Goumenja, who are reported to have acted in concert with the bands, are believed to have been severely handled. A battalion of troops on the way from Uskub to Monastir was stopped at Goumenja, on an urgent request of the authorities there for reinforcements, but has, I believe, been sent forward to its original destination. || The only other recent sign of actively aggressive tactics on the part of the insurgents in this vilayet has been an attack made on the night of the 14th on a train conveying four battalions of troops from the north. An insurgent band killed or put to flight the guard at the Vardar bridge between Keuprulu and Zelenico, and then proceeded to place dynamite on the bridge before the arrival of the train. The engine-driver, not seeing the signal light of the bridge guard, stopped the train before the bridge, and the insurgents, disappointed in their attempt to destroy the train with the bridge, threw a hand bomb which struck the last truck and killed a couple of soldiers, and then retired. A large quantity of dynamite was found on the bridge. || The railway authorities expect that during the next few days, as there will be no moon, attacks on the railway line will be more frequent. || These, however, are isolated instances, and it is clear that the signal has not yet been given, as in Monastir, for the general outbreak in this vilayet. But there is abundant evidence that such a movement is in preparation, and may be expected to occur at any moment. Large bands have made their appearance, some of them within a few miles of Salonica, and it is believed that they actually meditate an armed demonstration against Salonica, probably in concert with accomplices within the city, who are said to be provided with dynamite and might create a diversion by throwing bombs in the Turkish quarter, and thus provoke reprisals and massacre. || The attention of the military authorities appears to be entirely occupied with the Monastir insurrection, to combat which the city and province of Salonica have been largely denuded of regular troops, and there is as yet no sign of the arrival of the promised reinforcements from Anatolia. || The Vali, Hassan Fehmi Pasha, continues to be active and vigilant, and shows himself calm and confident in the face of increasing difficulties. But the Mushir commanding this army corps is old, and so broken in health as to be quite unequal to the requirements of his position. R. W. Graves.

Nr. 13279. **TÜRKEI.** — Der Botschafter in London an den englischen Minister des Ausw. Protest gegen einen Bericht der „Times" über eine Metzelei in Adrianopel.

Ambassade Impériale de Turquie, Londres, le 27 Août, 1903.

Il est absolument faux qu'un massacre ait eu lieu à Andrinople, comme le disait le télégramme du correspondant du „Times" à Sophia dans le numéro de ce journal du 25 Août. L'ordre est parfait dans la ville d'Andrinople; ce sont plusieurs villages dépendant du district de Kirk-Kilissé qui ont été saccagés et incendiés par les bandes Bulgares. Les Comités révolutionnaires ont pour système d'imputer aux troupes Ottomanes et aux Musulmans leurs propres forfaits. || Il est pénible que le gros de la presse Anglaise, qui ouvre si largement ses colonnes aux récits calomnieux propagés par les Comités Bulgares sur le compte des soldats Ottomans et des Musulmans, fasse à peine mention des crimes et des souffrances auxquels les populations Musulmane et Grecque de la Roumélie sont en butte de la part des Bulgares. || Toutes les mesures militaires que comporte la situation ont été prises par le Gouvernement Impérial.

Anlage.

Extract from the „Times" of August 25, 1903.

A Revolution has been proclaimed throughout the Vilayet of Adrianople. The insurgents have cut all the telegraph wires between the city of Adrianople and the eastern parts of the vilayet. || It is reported that the Turks have massacred all the women and children in twenty-two villages in the districts of Florina and Monastir, and afterwards burned the villages. They were also said to have killed a number of prisoners whom they had taken. These reports have not been officially confirmed, but little doubt is entertained here regarding their accuracy. || The streets of Kroushevo are said to be strewn with dead bodies, which the people are afraid to bury lest they should arouse the suspicions of the Turks.

Nr. 13280. **GROSSBRITANNIEN.** — Der Botschafter in Petersburg an den Minister des Ausw. Graf Lamsdorf will in Sofia ernste Vorstellungen erheben.

St. Petersburgh, August 27, 1903. (August 27.)

(Telegraphic.) || Yesterday I found Count Lamsdorff disposed to regard situation in Macedonia as more serious. In his opinion the Bulgarian

Government are not doing all that could be done to prevent the insurgents receiving assistance, and he thinks the time come when the strong warnings given by the Russian and Austrian Governments to Bulgaria should be seconded by the Representatives of the other Signatory Powers at Sophia.

Nr. 13281. **GROSSBRITANNIEN.** — Der Minister des Ausw. an den Botschafter in Petersburg. Antwort auf das vorige. Wünscht nähere Mitteilung über die russischen Absichten.

Foreign Office, August 30, 1903.

(Telegraphic.) || His Majesty's Government desire to know as soon as possible the precise meaning of the phrase „seconding the strong warnings given by the Russian and Austrian Governments to Bulgaria," which is used in Count Lamsdorff's communication conveyed in your Excellency's telegram of the 27th instant. || They have not failed to take opportunities of offering the Bulgarian Government good advice, and could repeat it once more; but the Russian Government may now mean more than this, and intend to suggest that the support of His Majesty's Government should involve a threat to join in coercive measures if the warnings are disregarded.

Nr. 13282. **GROSSBRITANNIEN.** — Der Botschafter in Petersburg an den Minister des Ausw. Antwort auf das vorige.

St. Petersburgh, August 31, 1903. (August 31.)

(Telegraphic) || There was nothing in the language of Count Lamsdorff to me or to my colleagues to indicate that coercive measures were contemplated against Bulgaria, but he thinks it desirable that the representations of the other Powers Signatory of the Treaty of Berlin should, like the Austrian and Russian Representatives, make it quite clear to Bulgarian Government that the Revolutionary Committees will not be protected against the consequences of their action, which aims at forcing foreign Powers to intervene. || The impression which his language gave me was that the Austrian and Russian Ambassadors were conferring with their colleagues with regard to the situation. || Count Lamsdorff is now at Peterhof with the Emperor, who leaves to-night.

Nr. 13283. GROSSBRITANNIEN. — Der Minister des Ausw. an den Botschafter in Wien. Erwartet Österreich-Ungarn Unterstützung der Vorstellungen in Sofia durch England?

Foreign Office, August 31, 1903.

(Telegraphic.) || Has your Excellency ascertained, as instructed in my telegram of the 24th instant, whether Count Goluchowski concurs in the suggestion made by Count Lamsdorff that the other Powers should second the strong warnings given by the Russian and Austrian Governments to Bulgaria? || If so, His Majesty's Government desire to know the precise meaning of the phrase, and whether it is suggested that their support should involve a threat to join in coercive measures if the warnings are disregarded.

Nr. 13284. GROSSBRITANNIEN. — Der Botschafter in Wien an den Minister des Ausw. Antwort auf das vorige.

Vienna, September 1, 1903. (September 1.)

(Telegraphic.) || With reference to your Lordship's telegram of yesterday. || Count Lamsdorff's hope that His Majesty's Government will second the strong warnings given by Austria and Russia to Bulgaria is shared by Count Goluchowski. I asked his Excellency to-day what he precisely meant, and if he intended to suggest that the support of Great Britain would involve a threat, that we should take part in coercive measures in the event of the warnings being disregarded. Count Goluchowski said that he was very anxious that His Majesty's Government should support Russia and Austria in their advice to the Bulgarian Government by using energetic language, but in the event of Bulgaria refusing to act on their good advice, he had not intended that any material responsibility should devolve on His Majesty's Government.

Nr. 13285. BULGARIEN. — Beschluß einer Versammlung von Mazedoniern in Sofia.

Sofia, 26. August 1903.

Ce Mercredi, 13 Août dernier, les Macédo-Andrinopolitains résidant à Sophia, réunis en „meeting“ sur la Place de Saint-Krâl: || (1.) Ayant entendu les discours de MM. Sl. Babadjanoff et André Liaptcheff; || (2.) Considérant la situation déplorable faite à leurs concitoyens; || Ont voté l'ordre du jour suivant: || 1. Ils déplorent le triste sort de leur pays natal, livré de nouveau aux exactions des Turcs, grâce aux tâtonnements

de la diplomatie Européenne, dont les intérêts restent incompréhensibles. || 2. Ils expriment leur profonde reconnaissance à tous ceux qui, par la presse ou par la parole, invitent les facteurs politiques de l'Europe à réaliser en Turquie les réformes depuis si longtemps promises et prévues dans les Traités Internationaux. || 3. Ils constatent, à leur vif regret, l'indécision de la diplomatie Européenne à l'égard de la situation douloureuse des Chrétiens de Turquie dont le sort a empiré, grâce aux réformes sans consistance, telles que les dernières; loin de mettre un frein au mauvais régime Turc, ces réformes n'ont fait qu'exaspérer le fanatisme Musulman. Ils constatent en outre qu'il n'a pu et ne pourra jamais exister une administration Chrétienne sous l'autorité directe de la Turquie. || 4. Ils considèrent la nomination d'un Gouverneur-Général Chrétien et absolument indépendent de l'Administration Ottomane, et l'institution d'un contrôle Européen permanent comme des mesures préliminaires, sans lesquelles il est impossible d'améliorer la situation des Chrétiens de la Turquie ni d'y établir une Administration éclairée. || 5. Ils blâment le désaccord existant, grâce à des considérations égoïstes, parmi les Chrétiens „rayas" qui, également poursuivis par l'Administration Ottomane, forment un tout à l'égard du fanatisme Musulman. || 6. Ils expriment l'espoir que les États Chrétiens voisins ont fini par comprendre que les liens de fraternité ne peuvent se maintenir que par l'appui désintéressé que l'on s'accorde dans des moments d'épreuves comme ceux que traversent actuellement les Chrétiens de la Turquie. Et, dans cette pensée, ils invitent leurs frères de la Macédoine et de la Province d'Andrinople résidant en Serbie, en Roumanie, et en Grèce, à accomplir vaillamment leur devoir en prêchant la vérité dans les pays où ils se trouvent et en dissipant les soupçons, entretenus à dessein, contre la pureté et le désintéressement de la lutte. || 7. Ils invitent les citoyens de la Principauté de Bulgarie d'employer toutes leurs forces pour obtenir une amélioration du sort de leurs frères de race et de religion. || 8. Ils sont prêts à sacrifier leur bien-être et leur vie pour le succès de l'œuvre sacrée déjà commencée. || 9. Ils autorisent leur bureau, composé de MM. V. Diamandieff, Président, A. Kazandjieff et G. Strezoff, membres, à communiquer le présent ordre du jour au Gouvernement Princier, aux Représentants Diplomatiques des Puissances Signataires du Traité de Berlin, ainsi qu'aux Représentants Diplomatiques de la Serbie et de la Roumanie.

Le Bureau du „Meeting": V. Diamandieff.
At. Tr. Kazandjieff.
G. Strezoff.

Nr. 13286. GROSSBRITANNIEN. — Der Botschafter in Petersburg an den Minister des Ausw. Rußland plant keine Zwangsmaßregeln gegen Bulgarien.

St. Petersburgh, September 2, 1903. (September 3.)

(Telegraphic.) || With reference to my telegram of the 31st ultimo, I have now seen Count Lamsdorff. || He made it quite clear that there is no intention of asking Powers to use any language at Sophia which would suggest that coercive measures might eventually be employed, but particularly now the Prince has returned he thinks that Bulgarian Government should be given definitely to understand that the Treaty Powers who helped to create Bulgaria were in complete agreement as to the direction in which reforms are to be sought in Macedonia, and will not consent to have their hands forced to favour another solution by any acts of the Committees and their sympathizers.

Nr. 13287. MAZEDONISCHES KOMITEE. — Projekt einer mazedonischen Autonomie unter europäischer Garantie.

4 and 5, Gough Square, London (September 4).

Your Excellency || The following twelve Articles constitute a project of settlement, under international guarantee, sent by the Macedonian Committee to His Imperial Majesty the Sultan of Turkey, and also submitted to all the Chancelleries of Europe. || I have the honour to submit the project to your Excellency, and beg that you will communicate it to your Government. E. L. Lazarovich, *Delegate*.

Anlage.

Project of Autonomy for Macedonia, Albania, Old Servia, and Adrianople.

Article 1. There shall be formed instead of the Vilayets of Salonica, Bitolia, Kossovo, Adrianople, Scutari, and Janina, four provinces, one of which will take the name of „Albania," and the others that of „Macedonia," „Old Servia," and „Thrace." These provinces shall remain under the direct political and military authority of His Imperial Majesty the Sultan, under conditions of administrative autonomy. || Art. 2. The Province of Albania will include especially the territories of the Vilayets of Scutari and Janina: the Province of Macedonia, the Vilayets of Bitolia and Salonica; the Province of Old Servia, the Vilayet of Kossovo; and the Province of Thrace, the Vilayet of Adrianople. || Art. 3. His Majesty the Sultan shall have the right to provide for the defence of

the frontiers by land and sea of the four provinces, by fortifying these frontiers and guarding them with troops. || Interior order shall be maintained in each province by an international police, and a native police, assisted by local militia. || In the composition of the native police and the local militia account will be taken, according to the various localities, of the nationality and religion of the inhabitants. || The regular Turkish troops destined for the frontier garrisons shall not in any case be quartered in the houses of the inhabitants. || In crossing the provinces the troops shall not make any stay. || Art. 4. A High Commissioner of European origin and nationality shall be appointed by the Six Great Powers for a period of three years. He shall have, for the maintenance of the interior security of the four provinces, a body of international police. || Art. 5. A Governor-General of European nationality shall be named for each of the four provinces by the Sublime Porte with the consent of the Powers for a term of five years. || Art. 6. A European Commission shall be formed, which shall be assisted by a native delegation composed of representatives elected by the population, according to the different nationalities and religions. || That Commission shall, in accord with the Ottoman Porte, work out the organization of the four provinces. || That Commission shall determine, within a period of six months, the frontiers between the four provinces, the powers and attributions of the Governors-General, as well as the administrative, judicial, and financial régimes of the four provinces, taking as a point of departure the Regulations formulated by the International Commission which assembled at Constantinople in June 1880, having regard to the religious liberty of all cults, and considering the principle of equality before all judicial and administrative authorities of the languages usually spoken by the populations of the four provinces. || The whole of the measures fixed upon for these provinces shall be the subject of an Imperial Firman to be promulgated by the Sublime Porte, and of which communication shall be made to the Powers. || Art. 7. The Commission will be charged with the autonomous administration of the four provinces until the accomplishment of the new organization. || For that purpose shall be raised an army corps of occupation of 45 000 men, divided into four divisions of infantry and one division of cavalry, to be international troops, recruited by voluntary engagement — European officers and men, under the command of Generals belonging to one of the neutral States of Europe. || This occupation corps shall be kept at the country's expense. The duration of the occupation to be fixed by the duration of the work of the Commission and the necessity of maintaining interior order, after which it will be reduced

by half and remain, under the name of international police, at the disposition of the High Commissioner. || Art. 8. His Imperial Majesty the Sultan shall undertake, as soon as the occupation corps is formed, and on the date when the Commission begins its work, to withdraw all troops, both regular and irregular, except those required for the garrisons of the frontier fortifications mentioned in Article 3. || Art. 9. The elections for the native delegation mentioned in Article 6 shall take place fifteen days after the evacuation of the territory by the Turkish troops mentioned in Article 8. || Art. 10. All International Treaties, Conventions, and Arrangements of whatever nature concluded or to conclude between the Porte and the foreign Powers shall be applicable in these four provinces in the same manner as in all the Ottoman Empire. | All immunities and privileges of whatever nature, acquired by foreigners, shall be respected in these provinces. || Art. 11. All rights and obligations of the Sublime Porte concerning railways shall be strictly maintained. || Art. 12. The four provinces having to support a part of the public Ottoman debt, and contribute to the Civil List of His Imperial Majesty the Sultan and to the Imperial Army and Navy Budget, the Commission shall determine, in accord with the Porte, and on an equitable basis, he amount of those contributions.

The Committee for the Autonomy of Macedonia.

Nr. 13288. **GRIECHENLAND.** — Beschluß einer Versammlung von Mazedoniern in Athen. Protest gegen die bulgarischen Banden.

Athen, $\frac{15.}{28.}$ August 1903.

Appel des Macédoniens aux Puissances Européennes.

Les Macédoniens d'Athènes et du Pirée voient les Bulgares d'au delà des Balcans convoiter la Macédoine, pays de tout temps Hellénique, s'évertuer à falsifier l'histoire et l'ethnographie de leur pays. Dans l'impuissance de parvenir par ce moyen à faire croire à une Macédoine Bulgare, ils ont eu recours au couteau de l'assassin et à la dynamite de l'Anarchiste. || C'est pourquoi les Macédoniens d'Athènes et du Pirée réunis en assemblée générale ont pris les Résolutions suivantes: — || De protester contre l'épouvantable ordre de choses créé par les bandes de brigands venus de Bulgarie, ne visant qu'à la destruction par le fer et le feu de tout ce qui, dans notre pays, touche à la nationalité Hellénique: || De protester contre les fausses statistiques dont les chiffres sont

altérés à dessein pour égarer l'opinion publique Européenne; || De protester contre l'effusion du sang de leurs frères cruellement égorgés par les bandes Bulgares, contre le pillage, l'incendie, et la destruction de leurs villages. || Ils donnent aux Puissances l'assurance que si les Macédoniens, si cruellement frappés par les Bulgares, avaient pris les armes, aucune de leurs bandes ne désolerait aujourd'hui leur pays. Ils ne l'ont pas fait pour ne pas troubler la paix Européenne, et parce qu'ils ne croyaient pas que l'Europe eût permis l'accomplissement de tels crimes sous ses yeux. || Ils déclarent enfin, qu'indignés du prolongement d'un semblable état de choses, les Macédoniens se verront dans la nécessité de prendre les armes pour défendre leurs frères contre les brigands venus de Bulgarie. || Dans cet ordre d'idées ils supplient l'Europe, au cœur compatissant, de vouloir bien daigner protéger leur malheureuse patrie contre les malandrins Bulgares en mettant un terme à un ordre de choses qui est la honte de l'humanité.

La Commission:

(Signé) Thomas Stourou, Professeur (Monastir). || Spiridion Zaphiriou, Étudiant (Salonique). || Jean Basdékis, Négociant (Méléniko). || Naoum P. Tsistinopoulos, Pelletier (Kastoria). || D. Lazof (from the Olympus of Macedonia). || Pericles P. Papanaoum, Professeur (Croussovou). || Dr. Étienne J. Mandrinos (de Klissoura). || Dr. Théokharis Ch. Yéroyannis (Stagire). || Nicolas Clinias, Professeur (de Cozani).

Nr. 13289. **SERBIEN.** — Beschluß einer mazedonischen Volksversammlung in Belgrad. Alle Balkanslaven sollen gemeinsame Sache machen.

30. August, 1903.

(Translation.) || Le „meeting" constate que toutes les réformes qui ont été essayées dans le courant du dix-neuvième siècle en faveur de la population Chrétienne de l'Empire Ottoman et dont l'exécution a été confiée aux autorités Turques sont restées infructueuses, et que les plus récentes qui ont été proposées à la Porte sont restées inexécutées, et cela surtout à cause du régime Ottoman mauvais bien plus qu'à cause du mouvement révolutionnaire. || En constatant que la situation actuelle de décadence, aussi bien pour l'existence des Serbes que pour toute la race Slave en général dans les contrées de l'Empire Ottoman, peut devenir encore plus ruineuse, et que la suppression de notre race dans ces contrées assurerait la victoire aux ennemis communs de tous les Slaves des

Balkans, le „meeting“ déclare que c'est un devoir général de tous les Slaves des Balkans de se rapprocher et d'agir d'accord pour empêcher tout ce qui peut conduire à la ruine du Slavisme. || Le „meeting“ poursuit avec la plus grande sympathie les souffrances et les efforts de tous ceux qui luttent aujourd'hui pour la liberté en Macedoine et dans la Vieille Serbie, mais il est parfaitement convaincu que, de même que le Gouvernement du Sultan n'est pas en état de créer des conditions aptes à rétablir l'ordre et une paix durable dans ces pays voisins, Serbes et autres; de même qu'il serait tout à fait infructueux de confier ces pays à une des Grandes Puissances Européennes — ce qui ne ferait que provoquer des nouvelles complications et désordres — les bandes des Comités sont également impuissantes de leur acquérir la liberté, et que leurs chefs ne sauraient pas garantir à la population la paix, l'ordre, et la sécurité, ainsi qu'un Gouvernement impartial — le „meeting“ est d'avis que le meilleur moyen pour rétablir l'ordre et la paix dans la Vieille Serbie et dans la Macédoine serait de confier d'un commun accord, et tout en gardant la souveraineté du Sultan, la mission aux pays Balkaniques intéressés de participer à cette tâche. || Le „meeting“ fait élection et autorise MM. Alexandre Stoyanovitch, imprimeur (Président de la Skoupshtina); Goloub Janitch, commerçant; Zivan Zivanovitch (ancien Ministre des Cultes); Zivoin Peritch (Professeur de la Grande École), Ljuba Stoyanovitch (ancien Ministre des Cultes), et Miloutine Stefanovitch (Caissier du Gouvernement, en retraite), de la mise en exécution de cete Résolution.

Nr 13290. **GROSSBRITANNIEN.** — Der Minister des Ausw. an den Botschafter in Petersburg. Antwort auf Nr. 12286.

Foreign Office, September 8, 1903.

(Telegraphic.) || Macedonia. Your Excellency's telegram of the 2nd instant. || Inform Count Lamsdorff that His Majesty's Agent at Sophia has been in frequent communication with the Bulgarian Government respecting the state of affairs, and has not failed to point out the support given from Bulgaria to the insurrection. His Majesty's Government will now instruct Mr. Elliot to take every opportunity of earnestly renewing his representations to the Bulgarian Government.

Nr. 13291. **GROSSBRITANNIEN.** — Der Botschafter in Konstantinopel an den Minister des Ausw. Sendung europäischer Offiziere in die türkische Gendarmerie.

Therapia, September 4, 1903. (September 9.)

My Lord, || I have the honour to state that the Belgian Minister here informs me that negotiations are proceeding with regard to the pay

and standing of four Belgian officers to be lent for service with the gendarmerie in Macedonia. || In this connection I may mention that the two Swedish officers who were engaged last winter at the time of the acceptance of the reform scheme do not appear to be taking any active part in the control of the gendarmerie, but are residing at Uskub, revising the regulations of the force to which they have been appointed, their salaries being at the rate of 29 000 fr. and 18 000 fr. per annum. || I have recommended to Count Dudzeele, the Belgian Minister, that his Government should select active and healthy men, more of the class of non-commissioned officers, under an officer of organizing capacity.

N. R. O'Conor.

Nr. 13292. **TÜRKEI.** — Der Botschafter in London an den englischen Minister des Ausw. Die Lage im Aufstandsgebiet ist günstig.

Ambassade Impériale de Turquie, Londres le 8 Septembre, 1903. (September 9.)

Musurus Pacha présente ses compliments au Marquis de Lansdowne, et a l'honneur de porter à la connaissance de sa Seigneurie que les dernières informations reçues par la Sublime Porte démontrent l'efficacité des mesures adoptées par les autorités provinciales de la Roumélie pour mettre un terme aux menées subversives des agitateurs Bulgares. Il résulte, en effet, de ces informations que la situation dans les Provinces de Kossovo et de Salonique est satisfaisante. A l'exception de quelques actes de brigandage, qui sont aussitôt réprimés, aucun fait important de nature à compromettre l'ordre et la tranquillité ne s'y est produit dans ces derniers temps. Quant aux Provinces de Monastir et d'Adrinople, où les brigands Bulgares se livrent à leurs exploits, les récentes communications des autorités Impériales démontrent que ces bandits sont mis en déroute dans toutes les localités où ils apparaissent. Ainsi, une forte bande fut cernée par les troupes Impériales dans le village de Nevesko (Klissoura), et, dans l'engagement qui eut lieu, elle a eu de très nombreux morts et blessés. Un certain nombre furent pris vivants. Le reste ayant pris la fuite, des colonnes de soldats furent lancés à leur poursuite. Dans la rencontre qui eut lieu à Klissoura même plus de 200 bandits furent tués. A Smitova soixante bandits furent également tués. || Plus de 350 brigands sont aussi tombés morts dans les parages de Pétra et de Bohich. || Par les soins des autorités militaires ceux des habitants qui s'étaient retirés dans les montagnes furent réintégrés dans leurs foyers. || Les brigands qui s'étaient retranchés dans le village de Vichani et dans

le Balkan de Vitch furent exterminés. Des brigands qui se trouvaient sur les collines situées entre le lac de Rodénik et le village de Zélendj, trente-cinq furent tués. Les autres, qui, pour échapper aux poursuites des troupes, se jetèrent dans le lac, s'y noyèrent. Les insurgés se trouvant dans les parages de Kirk-Kilisse sont cernés par les troupes Impériales.

Nr. 13293. **GROSSBRITANNIEN.** — Der Botschafter in Petersburg an den Minister des Ausw. Vorbereitung einer Vorstellung in Sofia.

St. Petersburgh, September 10, 1903. (September 10.)

(Telegraphic.) || I spoke to Count Lamsdorff to-day in the sense of your Lordship's telegram of the 8th instant, and learnt from him, in reply, that a communication to the Bulgarian Government is being prepared by the Russian and Austrian Governments, and that their Representatives at Sophia will communicate it to their colleagues and request them to back it up with such language as would at least give evidence that there is no change in the attitude of their Governments towards the reform programme of the two Powers, that they are still in agreement to support it, and that other solutions of the difficulty will receive no encouragement from them.

Nr. 13294. **GROSSBRITANNIEN.** — Der Gesandte in Sofia an den Minister des Ausw. Übersendet einen Notenwechsel zwischen der Pforte und Bulgarien über die Ursachen der Rebellion bei Adrianopel, Unterstützung der Insurgenten durch Waffen und Geld.

Sofia, September 15, 1903. (September 19.)

I.

Notes Verbales addressed by Ali Ferrouh Bey to General Petroff.

Le 24 Août, 1903.

Le Commissariat Impérial a signalé, à plusieurs reprises, depuis quelque temps, à l'attention du Ministère Princier, les préparatifs que faisaient les malfaiteurs de Bourgas pour faire irruption dans les parages limitrophes de ce district, et lui a demandé de recourir aux moyens d'interdire cette activité criminelle des agitateurs. || La Mission Impériale regrette de constater que même aujourd'hui les autorités Princières n'ont pris aucune mesure notoire pour empêcher la formation et le départ des bandes qui se dirigent sans cesse vers la ligne de démarcation. || C'est

uniquement par suite de ce manque de vigilance que les malfaiteurs ont pu former une bande assez forte pour attaquer, le 5 (18) de ce mois, la ville de Vassilicos et mettre le feu à plusieurs villages, où ils se sont livrés à des actes des plus criminels. || Le fait que les malfaiteurs ont conduit leurs prisonniers à Bourgas en ayant en même temps quatre de leurs blessés avec eux, que ni le Maire ni le gendarme du village Alancaïrak n'ont pris aucune mesure pour les faire arrêter, ni même informé de leur passage la Préfecture de Bourgas, démontre simultanément qu'ils avaient passé de ce côté, et que les autorités Princières leur accordent pleine liberté d'action. L'aveu du Préfet que les blessés n'ont pu être découverts à Bourgas est aussi un fait qui confirme cette présomption. || Dans ces conditions, et vu que le Commissariat Impérial avait signalé au Ministère Princier les préparatifs qui ont précéde ces incidents, la Mission Impériale ne peut, à son vif regret, s'abstenir de faire ressortir la responsabilité qui pèse sur la négligence des autorités Princières et demande à nouveau au Ministère Princier de faire arrêter, et punir tous les malfaiteurs qui sont complices dans ces méfaits et qui, aujourd'hui encore, rôdent, avec leurs consorts, aux alentours de la ligne de démarcation pour faire de nouvelles irruptions.

Le 27 Août, 1903.

Par sa note verbale en date du 24 Août courant, le Commissariat Impérial avait informé le Ministère Princier des méfaits qui ont été commis à Vassillicos et aux environs, en lui demandant d'en punir les auteurs. || Les informations supplémentaires qui sont transmises à cette Mission par son Altesse le Grand Vizir établissent qu'à l'approche des soldats Ottomans, ces malfaiteurs ont repassé la ligne de démarcation par différents points, et se trouvent actuellement dans la Roumélie-Orientale. || Aussi, le Commissariat Impérial réitère, d'ordre de son Altesse, sa précédente demande de faire arrêter et punir les malfaiteurs susmentionnés et restituer à qui de droit les effets pillés qu'ils ont emportés avec eux. || Le Commissariat Impérial demande instamment au Département Princier de lui faire connaître le résultat des ordres qu'il aura donnés à cet effet.

Le 2 Septembre, 1903.

Faisant suite à ses notes verbales, en date des 24 et 27 Août dernier, le Commissariat Impérial s'empresse d'informer le Ministère Princier que, suivant ses renseignements, les aggresseurs sur Vassilicos et environs auraient envoyé à la foire de Baltchik une partie des bestiaux qu'ils ont enlevés aux habitants des susdits parages. || Le Commissariat Impérial prie le Ministère Princier de donner d'urgence des ordres nécessaires à

qui de droit pour empêcher la vente desdits bestiaux, à l'effet de les remettre en même temps que les autres objets enlevés à leurs propriétaires, par l'entremise des autorités Impériales des districts limitrophes de l'Empire. || Le Commissariat Impérial sera obligé au Département Princier de lui faire connaître le résultat des ordres qu'il aura donnés à cet effet.

II.

Note addressed by General Petroff to Ali Ferrouh Bey.

Le 30 Août (12 Septembre), 1903.

Lorsque, le 20 Juillet dernier, un mouvement insurrectionnel s'est déclaré dans le Vilayet de Monastir, à 250 kilom. de la Principauté, il n'a été dans la pensée de personne d'en faire remonter la responsabilité au Gouvernement Bulgare: c'est qu'il eût été difficile de prétendre que les bandes d'insurgés, avec les armes et munitions et les bombes de dynamite dont elles disposent, seraient venues de Bulgarie. Il est vrai que, quelques jours auparavant, sur la foi des rapports de ses autorités, la Sublime Porte avait allégué que deux bandes armées auraient franchi la ligne de démarcation et fait leur apparition dans la Province de Monastir, après avoir traversé les Vilayets d'Uskub et de Salonique; toutefois, l'invraisemblance d'une pareille incursion, à travers deux provinces occupées par un nombre considérable de troupes Impériales, ne lui a pas permis de maintenir ses assertions, et, quand l'insurrection a éclaté dans une région aussi éloignée de la Bulgarie, elle s'est gardée de la leur attribuer et d'en rendre responsable le Gouvernement Princier; aussi bien, celui-ci n'a-t-il reçu, jusqu'à ce jour, aucune communication dans ce sens de la part de la Sublime Porte. || Mais, à peine un mouvement analogue s'est-il produit dans le Vilayet d'Andrinople, limitrophe de la Principauté, que la Sublime Porte l'a aussitôt attribué à des bandes armées qui seraient parties du district de Bourgas et s'est empressée de charger le Commissariat Impérial Ottoman de faire des démarches en conséquence auprès du Gouvernement Bulgare. Ainsi, selon les renseignements qui lui ont été transmis par son Altesse le Grand Vizir, le Commissariat Impérial croit pouvoir affirmer, dans ses notes verbales des 11 (24) et 14 (27) Août et du 2 Septembre NN. 2305/188, 2361/190, et 2462/193, que c'est de Bourgas que serait venue une forte bande de „malfaiteurs“ qui, le 5 (18) de ce mois, aurait attaqué la ville de Vassilicos et d'autres localités du Sandjiak de Kirk-kilissé; et, à l'appui de son affirmation, il cite le fait que cette bande aurait conduit jusqu'à Bourgas même quatre de ses blessés et des prisonniers faits à Vassilicos, sans que les gardes-frontière

Bulgares et le Préfet du district eussent pris des mesures contre elle. Par suite et conformément aux ordres de son Altesse le Grand Vizir, il demande l'arrestation et la punition des individus qui ont fait partie de cette bande, et la restitution des effets et des bestiaux provenant du pillage de Vassilicos et des environs; il rejette enfin la responsibilité des „incidents" qui ont précédé et suivi celui de Vassilicos, sur les autorités Princières qui, d'après lui, ne prennent aucune mesure notoire pour empêcher la formation et le départ des bandes qui se dirigent sans cesse vers la ligne de démarcation. || Tout d'abord, en ce qui concerne cet „incident" de Vassilicos, le Ministère des Affaires Étrangères relève d'un rapport du Préfet de Bourgas la déclaration catégorique qu'aucune bande armée n'est partie de cette ville et qu'aucune n'y est venue du sandjiak voisin avec des blessés et des prisonniers. Les prétendus „prisonniers," dont fait mention le Commissariat Impérial, ne sont autres que des fonctionnaires ou employés de l'Administration Ottomane, arrivés dans le district de Bourgas, en même temps qu'un assez grand nombre de réfugiés Bulgares du dit sandjiak, et dans les circonstances suivantes: les insurgés qui ont attaqué Vassilicos avaient arrêté les représentants de l'autorité locale et, en se retirant de la ville, ils les ont remis entre les mains des réfugiés, en leur enjoignant de se rendre avec ces derniers en Bulgarie s'ils voulaient avoir la vie sauve; et les fonctionnaires Ottomans ont accepté de suivre les réfugiés. Les blessés se trouvent parmi ces réfugiés, victimes des mauvais traitements que leur ont infligés des Bachi-Bozouks et des soldats de l'armée Impériale. Les quelques bestiaux, dont le Commissariat Impérial réclame la restitution, appartiennent aux réfugiés; et il en est de même des effets qui, du reste, sont de telle nature et de si peu de valeur qu'ils ne peuvent guère provenir de pillages. Au surplus, par certains exemples du passé, les autorités Ottomanes ont eu lieu d'apprécier la surveillance rigoureuse exercée par les douaniers et gardes-frontière Bulgares à l'égard de quiconque a essayé d'introduire illicitement le moindre objet sur le territoire de la Principauté. Les faits ainsi rétablis, d'après les dépositions des malheureux réfugiés et de leurs „prisonniers" volontaires, sont donc loin de concorder avec la relation qu'en a donnée le Commissariat Impérial Ottoman. C'est donc en vain que celui-ci s'est efforcé d'attribuer „l'incident" de Vassilicos à une bande de „malfaiteurs" partie du district de Bourgas, et d'en faire état pour pouvoir rendre les autorités Princières responsables de ce qui se passe actuellement dans le Sandjiak de Kirk-kilissé. || En se référant à ses notes verbales du 16 (29) Août, No. 368, et du 28 Août (10 Septembre), No. 386, le Ministère des Affaires Étrangères croit devoir déclarer au Commissariat Impérial

que le Gouvernement Bulgare décline toute responsabilité aussi bien dans les événements du Vilayet d'Andrinople où la Sublime Porte cherche à faire diversion pour l'en accuser, que dans ceux du Vilayet de Monastir où, n'ayant pas même un semblant de raisons pour l'y impliquer, elle s'est plu à garder le silence. || Ce n'est un secret pour personne, et moins pour la Sublime Porte, que l'insurrection qui a éclaté, à quinze jours d'intervalle, dans ces deux provinces de l'Empire, est lœuvre d'une organisation indépendante des anciens Comités Macédoniens qui n'existent plus en Bulgarie. || Tout le monde connaît les causes qui ont fait naître cette organisation et provoqué cette insurrection. || Depuis 1880, les populations Chrétiennes des provinces de la Turquie d'Europe attendent l'application des stipulations de l'Article XXIII du Traité de Berlin. Or, non seulement aucune des réformes prévues par cet Acte international n'a été apportée au régime administratif de ces provinces, mais encore ce régime est devenu, d'année en année, plus rigoureux pour ces populations. Il en est résulté, dans la classe intelligente de la population Bulgare, un mouvement d'émigration vers la Principauté et, dans la masse populaire, des ferments de mécontentement et des menées subversives. Tous les Ministères Bulgares, qui se sont succédés au pouvoir, depuis une quinzaine d'années, n'ont eu cesse d'attirer la sérieuse attention de la Sublime Porte sur la nécessité d'améliorer le sort de la population Bulgare en Turquie, afin d'enrayer l'émigration et l'action révolutionnaire en ces pays. La Sublime Porte n'a jamais voulu entendre parler de l'Article XXIII du Traité de Berlin; elle a toujours évité de s'engager dans la voie des réformes réelles. Parfois, à la faveur ou sous la pression de certains événements, elle a cru faire des concessions magnanimes, en rétablissant, sur le terrain ecclésiastique et scolaire, à l'égard des communautés Bulgares, les droits qu'elle leur avait retirés contrairement au Firman Impérial de 1870. Elle n'a point voulu comprendre que le véritable danger était, non pas dans la méconnaissance des clauses de ce Firman, mais dans le régime d'arbitraire et de compression qui pesait sur les Bulgares de Turquie, qui forçait un grand nombre d'entre eux d'émigrer dans la Principauté et qui devait fatalement, tôt ou tard, les jeter tous dans des entreprises révolutionnaires. Ce danger est apparu pour la première fois en 1895, lors des événements d'Arménie, à la suite desquels une masse d'Arméniens s'étaient réfugiés en Bulgarie. Un courant d'opinion s'est produit, à cette époque, en faveur des Bulgares qui habitent les provinces Ottomanes; et, sous l'impulsion des libertés consacrées par la Constitution du pays, ce courant s'est développé et manifesté par des attaques de la presse, par des meetings, et par des Comités Macédoniens. En 1897 le

danger devint plus grand encore et, pour le conjurer, au moment où elle s'engageait dans une guerre avec la Grèce, la Sublime Porte a solennellement promis au Gouvernement Princier que, aussitôt après la conclusion de la paix, elle prendra les mesures pratiques requises dans l'ordre administratif et judiciaire, afin d'inaugurer une ère d'apaisement, de progrès et de bien-être au sein des populations Chrétiennes des provinces Ottomanes limitrophes de la Bulgarie. Mais, à peine la paix fut-elle rétablie, que les autorités Impériales ont suscité l'affaire de Vinitza. Par les mesures de répression excessives qu'elle a prises à cette occasion, la Sublime Porte a augmenté le malaise et le mécontentement parmi les populations; elle a fait ainsi le jeu des agitateurs politiques, pour avoir le prétexte de ne point tenir ses promesses et d'arguer que la faute en était aux Comités Macédoniens en Bulgarie. C'est en vain que le Gouvernement Princier, au cours des dernières années, s'est efforcé de lui démontrer que, le jour où elle appliquerait franchement et loyalement les réformes nécessaires dans ses provinces, elle n'aurait pas plus que lui-même à s'inquiéter à propos de ces Comités parce que, ce jour-là, les Macédoniens retourneront librement dans leur pays et ne seront plus pour la Bulgarie un sujet de graves préoccupations sous le rapport économique, social, et politique. La Sublime Porte n'a pas cru devoir modifier son point de vue; elle a persisté dans son système de persécutions et de repressions; même après la dissolution des Comités, elle ne s'est pas aperçue que le danger allait venir d'une organisation révolutionnaire à l'intérieur, au cœur même de ses provinces. || Et aujourd'hui encore, au lieu de se rendre à l'évidence des causes de l'insurrection, en mettant un terme aux persécutions que subit la population Bulgare des provinces Impériales, au lieu de lui assurer un sort meilleur, en prenant des dispositions conformes à ses promesses solennelles, la Sublime Porte laisse se prolonger une situation pleine de périls pour l'Empire comme pour la Principauté. Pendant qu'elle cherche à étouffer le mouvement révolutionnaire par des moyens tout autres que les mesures promptes et salutaires qu'il conviendrait d'appliquer pour enrayer définitivement le mal, elle ne semble tenir compte ni du contre-coup de ces événements parmi les 200 000 Macédoniens émigrés ou réfugiés en Bulgarie, ni des graves difficultés que cette masse d'hommes exaspérés pourraient un jour susciter au Gouvernement Princier. En effet, par un sentiment naturel de solidarité, ne se risqueraient-ils pas à la longue à soulever un mouvement populaire au sein de ce pays? D'ailleurs, peut-on savoir et signaler par avance, afin de les en empêcher, quels sont ceux qui se proposent d'aller en Turquie pour se joindre aux insurgés? Et s'il en est qui, trompant la vigilance des postes

militaires Bulgares, ont réussi à passer la frontière, à travers les montagnes et les forêts inextricables qui séparent les deux pays, que faisaient-ils donc, en pareil cas, les postes militaires Ottomans? Ou bien, la garde des frontieres Impériales incombe-t-elle aux autorités Bulgares seules! || Tout cela, en maintes circonstances, a été signalé à l'attention de la Sublime Porte, soit par l'entremise du Commissariat Impérial, soit par l'Agence Diplomatique de Bulgarie à Constantinople. || En conséquence, loin d'être fondée à suspecter la loyauté de la Bulgarie et à rendre ce pays responsable de l'insurrection, en prétendant que ce sont des bandes venues „uniquement" de son territoire qui l'auraient organisée et provoquée, la Sublime Porte devrait au contraire reconnaître que le Gouvernement Princier a fait jusqu'à present tout ce qui était en son pouvoir pour calmer les esprits et contenir les émigrés et réfugiés Macédoniens. || La Sublime Porte devrait également se rappeler les démarches instantes que le Gouvernement Bulgare a faites auprès de la Cour Suzeraine pour lui proposer une coopération sincère et loyale à l'œuvre d'apaisement et de concorde entre les deux pays. Loin de préparer les voies et moyens pour atteindre ce but si ardemment désiré par le Gouvernement Princier, elle a pris tout récemment une mesure qui ne se concilie guère avec les principes régissant les rapports de bon voisinage entre les États: à l'occasion de l'anniversaire de l'avènement au trône de Sa Majesté Impériale le Sultan tous les ressortissants Bulgares établis ou voyageant dans l'Empire ont été arrêtés en masse et maintenus en prison pendant plusieurs jours, sans mandat d'arrêt, sans motif, sans explication, malgré que tous sans exception eussent des papiers de légitimation en règle et que la plupart d'entre eux fussent même avantageusement connus des autorités Impériales. Que la police Ottomane se prémunisse, à cette occasion, contre les agissements d'individus ou dangereux ou suspects en prenant à leur égard des mesures préventives, personne n'y saurait contredire: mais que, par ordre supérieur, elle inflige le même traitement à des négociants honorables, dont la conduite a toujours été sans reproche; c'est là un abus de pouvoir qui ne saurait se justifier même dans les temps les plus troublés, c'est là une nouvelle preuve des persécutions systématiques que subissent les Bulgares en Turquie. || Eh bien! malgré les persécutions dont souffrent les Bulgares dans l'Empire, malgré les suspicions qui pèsent sur tout ce qui a un nom Bulgare en Turquie et sur tout ce qui se fait en Bulgarie, le Gouvernement Princier a pleine confiance en l'avenir, parce qu'il est fermement persuadé que, tôt ou tard, la Sublime Porte lui rendra justice en reconnaissant les dispositions sincères et loyales dont il a toujours été animé à l'ègard de la Cour Suzeraine. || Puisse cette déclaration du

Gouvernement Bulgare, dont la franchise même est un témoignage de sa loyauté, convaincre la Sublime Porte que la Bulgarie n'est pas responsable des troubles survenus en Turquie et qu'il est temps de mettre fin à une situation qui, si elle se prolongeait, pourrait aboutir à une catastrophe également désastreuse pour les deux pays.

Veuillez agréer, &c.

III.

Note verbale addressed by the Turkish Commissioner at Sophia to the Bulgarian Government.

Le 24 Août, 1903.

Le Commissariat Impérial apprend et relève des journaux Viennois que certains Tchataloff et Grégoroff ont réussi à expédier de Vienne en destination de Sophia soixante caisses de cartouches, en les déclarant comme étant des clous, mais que les autorités de Semlin ayant découvert le contenu réel des caisses, elles en ont inderdit la réexpédition. || Ce fait étant de nature à démontrer que les malfaiteurs ont des complices parmi les autorités douanières de Zaribrod ou de Sophia, le Commissariat Impérial croit devoir attirer l'attention sérieuse du Ministère Princier sur le transport d'armes et de munitions, auquel les agitateurs se livrent sans cesse en vue de les faire passer ensuite au delà de la ligne de démarcation, ou d'armer les malfaiteurs qu'ils rassemblent dans le même but. || Ainsi, le Commissariat Impérial vient d'apprendre que dans la nuit du 7 (20) Août courant, trente individus recrutés par un certain Dr. Kostoff ont quitté la ville de Philippopoli pour se rendre à Ahi-Tchélébi et qu'ils sont tous armés et pourvus de bombes de dynamite. La maison de ce docteur aussi servirait, comme celle des Kertchicoff, de dépôt de dynamite. || Le Commissariat Impérial est de même informé que certains Pascoff, Arnaoudoff, et le Pharmacien Tchiff s'occuperaient à Philippopoli de la fabrication de cette matière d'explosion, et qu'au village de Topolove, entre Stanimaca et Kirdjali, il y eut dernièrement une nouvelle explosion accidentelle, qui a causé la mort d'une femme et d'un enfant. || Le Commissariat Impérial regrette de constater en outre qu'à Bourgas aussi les préparatifs et les irruptions des malfaiteurs continuent toujours sur une grande échelle, par suite de l'arrivée de quelques chefs de bandes qui s'y sont rendus dernièrement. Lundi dernier, une bande de quatre-vingts personnes serait partie, les armes à la main et en prenant congé de leurs consorts, sans compter ceux qui partent de cinq à dix pour rejoindre les autres. Des informations dignes de foi établissent en outre que les transports d'armes et de munitions aussi se font sans aucun obstacle, et qu'en

dehors des charges de chevaux et de voitures, il y a même des barques qui en transportent vers Suzéboli, Ak-Liman, et Tchinguéné Skélé. || Cet état des choses ne pouvant que confirmer la nécessité de redoubler la vigilance des autorités, le Commissariat Impérial réitère ses précédentes démarches à ce sujet et demande instamment que des mesures promptes et énergiques soient prises pour interdire ces agissements intolérables.

IV.

Note verbale addressed by the Bulgarian Government to the Turkish Commissioner at Sophia.

Le 16 (29) Août, 1903.

Dans la note verbale du Commissariat Impérial Ottoman en date du 24 Août le Ministère des Affaires Etrangères regrette d'avoir à relever, à propos de tous les faits sans exception qui y sont exposés, une série d'affirmations gratuites, d'informations tendancieuses, et d'accusations sans preuves. || En premier lieu, de ce qu'une expédition de cartouches, avec fausse déclaration de marchandise, aurait été effectuée dernièrement de Vienne à destination de Sophia, le Commissariat Impérial croit pouvoir affirmer que „ce fait est de nature à démontrer que les expéditeurs — qu'il qualifie de ‚malfaiteurs' pour les besoins de sa cause — ont des complices parmi les autorités Douanières de Tzaribrod ou de Sophia. Or, sans avoir à rechercher les mobiles d'un acte commis à l'étranger et dont il n'a pas été appelé à connaître en ce qui le concerne par les voies d'usage, le Ministère Princier prie instamment le Commissariat Impérial de donner des preuves à l'appui de son accusation contre l'Administration Douanière Bulgare, à défaut desquelles il ne saurait admettre un pareil procédé de diffamation et il se réserve d'en demander satisfaction. || Relativement à la fabrication d'explosifs, il est résulté de l'enquête qu'aucune des personnes mentionnées dans la note ne s'est livrée à cette fabrication et que toutes réclament le nom de leur accusateur pour le poursuivre en justice. S'il y a eu dernièrement un cas d'explosion à Philippopoli et celui de la prétendue machine infernale à Zibeftché dont la provenance est encore à démontrer, peut-on en conclure que les bombes de dynamite employées par les révolutionnaires ont été fabriquées en Bulgarie et transportées par voie de terre dans les vilayets voisins, lorsque les autorités Impériales elles-mêmes ont constaté que c'est par les Douanes de Salonique et de Dédéagatch que les matières explosives ont été introduites en Turquie? Et il convient de noter que cette constatation a été faite lors des attentats de Salonique, il y a plus de quatre

mois! || Tant à propos de la fabrication d'explosifs que pour les transports d'armes et de munitions ou les mouvements de bandes révolutionnaires, le Ministère des Affaires Etrangères a le regret de voir le Commissariat Impérial persister à donner créance aux faux rapports de gens intéressés à calomnier les autorités Princières, soit en inventant des histoires de toutes pièces, soit en exagérant le moindre fait qui se passe sur un point quelconque du territoire Bulgare. || Le Commissariat Ottoman n'est pas sans connaître, à la suite des constatations faites par les autorités Impériales, que presque toutes les bandes insurgées dans les vilayets sont armées de fusils Gras, dont il n'existe pas d'exemplaire à titre même de curiosité en Bulgarie. Il se peut bien que des fusils Mannlicher ou autres modèles aient été clandestinement transportés de ce pays dans les provinces limitrophes, à l'insu des autorités Princières; dans ce cas, que faisaient-ils de leur vigilance à la frontière les postes militaires et douaniers Ottomans pour empêcher la contrebande d'armes et de munitions? Quoiqu'il en soit, le Ministère Princier proteste énergiquement contre l'allégation du Commissariat Impérial „que de semblables transports se feraient actuellement par charges de chevaux, de voitures et de barques, sans aucun obstacle de la part des autorités Bulgares.“ || Le Commissariat Ottoman n'ignore pas que, depuis plusieurs mois, plus de 3000 Bulgares du Sandjak de Kirk-Kilissé se sont réfugiés dans les arrondissements de Kyzil-Agatch et de Bourgas, que le nombre de ces réfugiés augmente de jour en jour et surtout depuis que l'insurrection a éclatè dans le Vilayet d'Andrinople. Et pendant que le Gouvernement Princier s'efforce d'apaiser et de contenir ces milliers d'hommes exaspérés, le Commissariat Impérial s'occupe d'une bande de quatre-vingts personnes, qui lui aurait été signalée comme partie en armes de Bourgas; „sans compter,“ ajoute-t-il, „ceux qui partent de cinq à dix pour rejoindre les autres.“ Et pourtant, cette information du Commissariat a été également démentie en termes catégoriques par le Préfet de Bourgas. || Dans cet état des choses, ce n'est pas au Gouvernement Bulgare que le Commissariat Impérial devrait s'adresser pour stimuler la vigilance des autorités Princières et pour préconiser les mesures promptes et énergiques, mais sages et salutaires toute à la fois, qu'il importe de prendre en égard du mouvement révolutionnaire qui se développe dans les provinces de l'Empire. En se réservant de revenir sur cette question, qui préoccupe le Gouvernement Princier autant que le Gouvernement Impérial, le Ministère des Affaires Etrangères a l'honneur de prier le Commissariat Ottoman de vouloir bien faire la preuve de l'accusation portée contre l'administration des douanes Bulgares au sujet de l'expédition des cartouches de Vienne.

V.

Note verbale addressed by the Turkish Commissioner at Sophia to the Bulgarian Government.

Le 24 Août, 1903.

Le Commissariat Impérial vient d'être informé qu'une réunion, tenue à la mairie même de Philippopoli, a décidé de former une Commission spéciale dans le but de recueillir des collectes en faveur des malfaiteurs, et qu'elle a nommé comme membres de cette Commission les Sieurs Djévizoff, Maire de la ville, Abadjieff, négociant, et le Dr. Ch. Guénadieff, qui, se mettant aussitôt à l'œuvre, ont publié et fait afficher dans les rues une Proclamation séditieuse, par laquelle ils invitent la population à prêter leur concours moral et matériel aux révolutionnaires. || Le Commissariat Impérial, qui a déjà protesté contre la formation de pareilles Commissions de souscriptions — dont la plupart, voire même toutes, receuillent les collectes par force — fera remarquer au Ministère Princier que la convocation de la réunion à la mairie, la participation du Maire comme membre actif de la Commission, et enfin la distribution des Proclamations par des sergents municipaux, sont des faits qui donnent à ces Commissions un cachet incontestablement officiel, et contribuent, à ce titre, à encourager et à appuyer les agitateurs et les perturbateurs de l'ordre et de la tranquillité des vilayets de l'Empire. || Aussi, le Commissariat Impérial ne peut-il rester indifférent à l'égard de ces procédés encourageants des autorités Princières, et rejette sur le Gouvernement Princier toute la responsabilité des conséquences fâcheuses qui pourraient découler de cette situation, au cas où il n'y met pas un terme par les mesures promptes et énergiques qu'elle nécessite.

VI.

Note verbale addressed by the Bulgarian Government to the Turkish Commissioner at Sophia.

Le 28 Août (10 Septembre), 1903.

Le Commissariat Impérial Ottoman sait parfaitement, comme tout le monde, sans que le Ministère des Affaires Étrangères ait besoin de lui rappeler certaines circonstances qui s'y rapportent, que des souscriptions et collectes d'argent se font depuis longtemps en Bulgarie et à l'étranger en faveur des milliers de familles restées sans pain et sans abri dans les vilayets limitrophes, ou réfugiés sur le territoire Bulgare pour des causes qui lui sont aussi parfaitement connues. En particulier, il doit se souvenir de ses propres démarches auprès du Gouvernement Princier en vue

d'obtenir le rapatriement des réfugiés. || Dès lors, comment s'expliquer sa note verbale du 24 Août, qui a trait pourtant au même ordre d'idées et de faits? || C'est que les circonstances ont changé et, avec elles, le Commissariat Impérial a cru devoir modifier son attitude. Il ne trouve plus intérêt à se préoccuper du sort de ces milliers de malheureux dont le triste dénuement sollicite la charité publique; il fait semblant d'ignorer aujourd'hui que c'est à eux que sont destinés les secours recueillis: il ne voit plus en eux aujourd'hui, comme par une sorte d'obsession, que des fauteurs de désordres et des malfaiteurs, et il attribue à des actes méritoires de charité des intentions criminelles, en y impliquant la responsabilité d'hommes honorables et de représentants de l'autorité, ainsi que celle du Gouvernement Princier. || En vérité, si le Commissariat Impérial Ottoman ne s'est pas rendu compte de ce que sa démarche a d'offensant pour l'infortune humaine, il ne reste au Ministère des Affaires Étrangères qu'à exprimer sa profonde tristresse de l'avoir vu ternir les nobles et généreuses manifestations de la charité envers les malheureuses victimes des événements survenus dans les provinces de l'Empire.

Nr. 13295. TÜRKEI. — Note an die Mächte über das Dynamitattentat der Bulgaren.

Konstantinopel, 17. September 1903.

L'Attentat à la dynamite qui vient de causer la perte du bateau „Vascapou," de la Compagnie Hoffman, et qui s'ajoute à un semblable méfait perpétré il y a quelque temps à bord du „Guadalquivir", des Messageries Maritimes, ne laisse plus de doutes sur l'un des moyens adoptés par les Comités Bulgares en vue de parvenir à leurs fins répréhensibles. Ceux-ci cherchent indubitablement à causer des explosions dans le port de Constantinople, aussi bien que dans certains ports de la Turquie d'Europe, dans le but d'y troubler l'ordre public et d'alimenter dans les esprits une inquiétude et une agitation préjudiciables au maintien de la tranquillité publique et au libre cours du commerce international. Quoique le retard survenu au cours du voyage du „Vascapou" ait empêché son explosion dans le port de Constantinople et qu'il ait ainsi fait manquer en partie le plan de ces malfaiteurs, le fait qu'on doit à un hasard tout à fait fortuit de prévenir l'explosion et l'incendie d'un bateau dans le port de la capitale ou amarré aux quais et d'éviter ainsi les conséquences fâcheuses d'un tel malheur, démontre amplement la nécessité urgente où l'on se trouve de prendre des mesures efficaces pour empêcher la perpétration à nouveau de pareils actes criminels. Il y a

ici un état de choses digne d'attirer l'attention de toutes les Puissances et de les amener à faire le nécessaire afin de protéger l'ordre public contre les menées subversives des gens qui, sous le couvert d'un but politique, dirigent leurs attaques contre la civilisation et la société humaine elles-mêmes. || Le Gouvernement Impérial espère que les États, dont les navires de commerce se trouvent exposés aux attentats des criminels Bulgares voudront bien dicter à leurs ressortissants intéressés une série de mesures de prudence et de surveillance propres à prévenir à l'avenir l'embarquement d'explosibles et d'engins meurtriers. || Il s'attend à en être informé au plus tôt, afin de faire de son côté les communications nécessaires aux autorités Ottomanes de la police et de la douane. || Le Ministère Impérial croit devoir faire remarquer en même temps que la police Ottomane, ne pouvant actuellement opérer des perquisitions préventives à bord des bateaux étrangers et au moment même de leur arrivée ou de leur départ, il ne lui est guère possible de contrecarrer les projets criminels qui les visent, et qui échappent forcément à ses moyens d'action.

Nr. 13296. **BULGARIEN.** — Denkschrift über Ausschreitungen der türkischen Truppen im Vilajet Adrianopel.

Sandjiak de Kirk-kilissé.

I. Caza de Malko-Tirnovo.

Sofia, $\frac{10.}{23.}$ September 1903.

1. Le village de Déré-keuy entièrement incendié et pillé. Une partie des habitants arrêtés et conduits à Kirk-kilissé; deux paysans brûlés vifs, plusieurs tués; le reste des habitants s'est enfui. || 2. Le village de Maglaïk également incendié et pillé. Dix familles exterminées; le reste des habitants a pris la fuite. || 3. Le village de Stoïlovo incendié en partie à deux reprises. La première fois, le feu a été mis à la suite d'un bombardement avec de l'artillerie de montagne. Sur les 150 maisons qui composaient le village, cinquante sont détruites; tous les habitants en fuite; leurs biens pris par les soldats. || 4. Le village de Chiok-Tépé, d'abord pillé par les soldats et ensuite incendié. Il n'y reste plus que vingt maisons, sur quatre-vingt qui composaient le village. Les habitants sont en fuite; trois femmes, deux enfants, et sept hommes ont été assassinés. Quelques femmes ont été arrêtées par les soldats au moment de leur fuite, et enfermées dans les casernes. || 5. Le village de Gramatikovo a été incendié en entier, le 26 Août, par les soldats. Le pillage a

précédé l'incendie. Tous les habitants se sont réfugiés en Bulgarie. Leurs biens ont été emportés sur des chariots spécialement amenés des villages Grecs Costi et Borenkovo. || 6. Les villages de Hégalovo, Kératzinovo, et Kamila, incendiés le 30 Août. La récolte également incendiée sur les champs, et les biens des habitants emportés par les soldats. Tous les habitants se sont enfuis dans les montagnes; très peu d'entre eux ont réussi à passer en Bulgarie. On ignore le sort des habitants qui se sont enfuis dans les montagnes. || 7. Les villages de Tziknihor et Kladara incendiés; leurs habitants se sont enfuis, en partie dans les montagnes et en partie en Bulgarie. || 8. Le village de Kara-déré, de quatre-vingt-dix maisons, a été pillé par les soldats et les Bachi-Bozouks du village de Zazara; l'église a été souillée; les habitants sont en fuite; trente paysans ont été assassinés dans le village et une vingtaine au moment de leur fuite. || 9. Le village de Mokrouchévo a été incendié à trois reprises et définitivement détruit le 26 Août. Les habitants sont tous en fuite; deux garçons ont été tués. || 10. Le village de Paspalévo a été attaqué, pillé, et à moitié incendié par les soldats. Il y a dix personnes tuées et le reste des habitants sont en fuite. || 11. Dans les environs de Malko-Tirnovo, les fermes („tchifliks") Selichté, Zagorski-kolibi, Belkovtzi, Paprikovtzi, Sobotinovo, Kojrovo, Eabina-niva, Scharenkovtzi, Drajevité-kolibi ont été pillées; tous les biens meubles ont été emportés à Malko-Tirnovo et les maisons incendiées. Plusieurs habitants de ces fermes ont été tués. Dix-huit femmes et neuf enfants qui étaient venus de Malko-Tirnovo chercher un asile à Drajevité-kolibi, ont été massacrés par les soldats. || Tous les magasins et maisons Bulgares dans la ville même de Malko-Tirnovo ont été pillés et le butin a été emporté à Kirk-kilissé. Des femmes ont été emmenées dans les casernes; parmi celles-ci se trouvent la femme et les trois filles de Dimitri Kokoulari, qui a été tué. Il en est de même de la fille et du fils de Stéphane Kiourktchi, qui a été aussi tué. Il y a tout lieu de croire qu'il y a dans les casernes plus de 100 femmes et jeunes filles. || Presque tous les maîtres-bergers ont été tués et leurs troupeaux ont été enlevés par les soldats. Parmi ceux-là figurent: Pètre R. Roussenoff, Dimitre Kokoschkoff, et Petko Kormitchieff. Beaucoup de citoyens ont été arrêtés et soumis à des mauvais traitements et tortures. || A peu près les trois quarts des habitants Bulgares du Caza de Malko-Tirnovo se sont réfugiés en Bulgarie; plus de 200 personnes ont été tuées lors de la fuite.

II. Caza de Kirk-kilissé.

Le 26 Août, le village Ediga a été cerné par les troupes et les Bashi-Bozouks qui y ont mis le feu de tous les côtés. N'ont pu se sauver que les paysans ayant quitté le village avant l'arrivée des soldats. Tous les habitants y ont péri: les uns tués au moment où ils essayaient de quitter le village, les autres brûlés vifs. Les Grecs, qui constituaient la moitié des habitants de ce village et qui y étaient restés se croyant à l'abri des persécutions, ont subi le même sort que les Bulgares. ‖ Le village de Vélika pillé et puis incendié à la suite du feu de l'artillerie. Une cinquantaine de familles ont pu se sauver en Bulgarie; on ignore le sort des soixante dix autres familles. ‖ Il en a été de même du village d'Ouroum-beyli. Les habitants sont dispersés dans les montagnes et l'on ignore leur sort. ‖ Le village de Kourou-déré également pillé et incendié; le bétail emporté; la plupart des habitants massacrés. ‖ Le village de Kécherlik a subi le même sort. ‖ Dans le village d'Elkleré, toutes les maisons Bulgares (une centaine) détruites; tous les habitants tués, sauf six, qui ont réussi à se réfugier à Bourgas. ‖ Le village Kouriata entièrement détruit; la plupart de ses habitants massacrés. ‖ Les villages Almadjik, Tass-Tépé et Kadiévo incendiés; dans le premier village n'ont été incendiées que les maisons Bulgares. On ignore le sort de la plupart des habitants. ‖ Les habitants du village Inidjé ont été tous massacrés par les soldats Albanais. Six paysans seulement ont pu se sauver. ‖ Les villages Dokouzyouk, Enis-Khale, Kara-Kassly, Kara-Ali, Koyoun-Ghiaour ont été attaqués et pillés par les Bachi-Bozouks. On ignore ce que sont devenus les habitants de ces villages. ‖ Les habitants du village de Raklitza, qui s'étaient réfugiés à Kirk-kilissé, ont été forcés de réintégrer leurs foyers; puis, le 4 Septembre, ce village a été attaqué et incendié par la troupe régulière et tous les habitants, sauf quatre, ont été massacrés. ‖ Les Albanais ont pillé les magasins et boutiques Bulgares dans la ville même de Kirk-kilissé; ils ont attaqué les Bulgares dans la prison et ont tué l'officier (Youzbachi) qui était de garde à la prison. Des Bulgares ont été massacrés dans les rues de la ville.

III. Caza de Vassiliko.

Le village de Voulgari entièrement incendié par les soldats, le 28 Août. Une soixantaine de femmes et enfants ayant réussi à se sauver dans le couvent voisin „Saint-Constantin," les soldats les ont massacrés et le couvent a été incendié; quelques femmes seulement ont pu s'échapper. ‖ Le village de Rézovo incendié le 2 Septembre. On ignore

le sort des habitants. || Les villages de Blatza et Madjoura incendiés et la plupart de leurs habitants massacrés.

IV. Caza de Vizé.

Le village de Pepenka a été bombardé et pillé, le bétail enlevé. Quelques femmes, cachées dans une maison pour éviter les viols, y ont été brûlées vives. Quinze jeunes filles ont été enlevées et conduites au camp. Les habitants qui s'étaient réfugiés dans la montagne ont été cernés et contraints de rentrer au village, où ils ont été massacrés. Dans la montagne, les soldats ont réussi à s'emparer de quinze hommes parmi lesquels un certain Shishmanoff, du même village. Rien que quatre familles ont pu se sauver. || Le village Yatros également incendié et les habitants dispersés dans la montagne. || Le village Serghené incendié (sans distinction de maisons Grecques ou Bulgares). Les habitants sont dans la montagne. || Les réfugiés sont au nombre de 10 000 à 11 000 dans le district de Bourgas. || Dans leur fuite, beaucoup de femmes ont dû abandonner leurs enfants afin de ne pas se laisser découvrir en route à cause des cris et des pleurs de ces pauvres êtres. Les réfugiés sont dans le plus complet dénûment: il faut leur procurer de la farine.

Nr. 13297. **GROSSBRITANNIEN.** — Der Minister des Ausw. an den Botschafter in Konstantinopel. Unterredung mit dem türkischen Botschafter über die Unterstützung der mazedonischen Flüchtlinge.

Foreign Office, September 30, 1903.

Sir, || The Turkish Ambassador told me to-day that the Turkish Government had learned that His Britannic Majesty's Government intended to encourage the distribution of relief through private channels to those of the inhabitants of the European provinces of the Ottoman Empire, who had been persuaded or compelled by the Committees and bands to take refuge in Bulgaria. || As such assistance would, he said, encourage the Bulgarian agitators still more in their revolutionary proceedings, Musurus Pasha begged that His Majesty's Government would stop any such project if it existed. || I told his Excellency that it was perfectly true that funds were being collected by benevolent persons in this country for the relief of the widespread distress which now prevailed in parts of the Balkan Peninsula. || His Majesty's Government would certainly not discourage a movement of this kind, and I confessed that it

shocked me beyond measure to find that the Turkish Government apparently desired to deny such assistance to the thousands of homeless people who were now scattered throughout the country mainly in consequence of the conduct of the Turkish troops, upon the pretext that such assistance might encourage the promoters of the insurrection. || His Excellency answered that the Turkish Government had already taken the necessary steps for the distribution of relief among the victims of the occurrences in Roumelia, that, as regards the destruction of villages, it was mostly the result of the hand-to-hand fighting in the streets and houses, and many had also been destroyed by the armed Bulgarian bands themselves, that no reliable report had come to his knowledge confirming the stories of the excesses attributed to Turkish troops, and that the initial and therefore real authors of the present distress were the Bulgarian Committees, their confederates, and their deluded followers. || I said that I had no hesitation in saying that the ruin and destruction brought about by the Turkish soldiery were immeasurably greater than any which had resulted from the action of the Bulgarian bands. || Feeling, as I did, how largely the Turkish Government were responsible for the sufferings of these poor people, we should expect the Turkish authorities to afford every facility to those who might be engaged in the task of distributing relief.

Lansdowne.

Nr. 13298. **TÜRKEI.** — Denkschrift über die Lage in den europäischen Provinzen. Der englischen Regierung am 1. Oktober 1903 überreicht.

Memorandum.

Sa Majesté Impériale le Sultan, dans sa haute sollicitude pour le bien-être de tous ses sujets sans distinction de race ni de religion, avait ordonné à plusieurs reprises que, lors de la répression des actes de brigandage des bandes Bulgares, la vie, l'honneur et les biens des habitants paisibles soient absolument sauvegardés, que les infirmes, les vieillards les femmes et les enfants ne soient nullement molestés, même s'ils se trouvent auprès des brigands, que ceux qui font acte de soumission soient traités avec bienveillance, que toute agression de la part d'une classe de la population à l'égard de l'autre soit empêchée et qu'enfin, aucune négligence ne soit apportée à l'accomplissement des devoirs commandés par l'humanité. Des instructions, en conséquence, avaient été données aux autorités Impériales tant militaires que civiles des vilayets de la Turquie d'Europe. Les dites autorités se conforment strictement

aux ordres de Sa Majesté Impériale le Sultan, et tout fait contraire aux intentions généreuses de Sa Majesté est sévèrement puni. Ainsi, Ibrahim Effendi, Commandant du Bataillon de Gheumuldjiné en garnison dans le village Grec de Hédié, ayant été dénoncé comme s'étant livré à des procédés répréhensibles à l'égard des habitants de ce village, a été envoyé sous escorte à Andrinople où il a été déféré à la cour martiale, et une Commission spéciale a été déléguée sur les lieux pour effectuer une enquête à ce sujet. Une autre Commission, composée du Général de Division Chukri Pacha, Commandant de la Place d'Andrinople; du Général de Division Chakir Pacha, Aide-de-camp de Sa Majesté Impériale le Sultan; et du Colonel Ahmed Bey, membre de la Haute Commission d'Inspection Militaire, a été instituée en la dite ville pour faire, de son côté, les constatations nécessaires à propos des actes imputés à Ibrahim Effendi. || Par suite de la destruction et de la dispersion de plusieurs bandes Bulgares, la plupart des villageois, qui, sous les menaces des brigands, s'étaient retirés dans les montagnes, sont retournés dans leurs foyers. Mais, comme il importe que les autres aussi rentrent au plus tôt chez eux, les Gouverneurs-Généraux, les Gouverneurs, et les Sous-Gouverneurs ont reçu l'ordre de faire des tournées dans leurs circonscriptions en compagnie de quelques membres Musulmans et Chrétiens des Conseils Administratifs et de Chefs religieux des communautés non-Musulmanes, pour leur donner les conseils nécessaires en vue d'assurer leur retour dans leurs foyers. Ils auront, en outre, à déployer tous leurs efforts de concert avec les autorités militaires pour obtenir, dans le plus bref délai, le rétablissement complet de l'ordre et de la sécurité publique dans ces parages. || Des instructions dans le même sens ont été transmises aux Commandants-en-chef des 2e et 3e Corps d'Armée, au Commandant de la 9e division à Serrès, au Commandant *ad interim* du Corps de l'Armée Impériale à Monastir, et au Commandant des troupes Impériales à Tirnovadjik.

Nr. 13299. **GROSSBRITANNIEN.** — Der Konsul in Philippopel an den Gesandten in Sofia. Pläne der Insurgenten.

Philippopolis, September 30, 1903. (October 6.)

Sir, || I have the honour to report that to-day the 3rd battalion of the 21st Infantry Regiment left here for Ouzoundjovo, near the frontier, where another battalion of the same regiment is already stationed, the other two being respectively at Tirnovo-Seimenli and Philippopolis Eighteen guns and three batteries of the 4th Artillery Regiment have

left for the frontier. The purchase of horses for the artillery, discontinued by order some days ago, has now been resumed. || On the 28th instant, two bands of Komitajis left here with intention to cross the Rhodope frontier. They consisted of about thirty to forty men each, and, in conversation with a resident in Philippopolis one of them remarked that the reason for their protracted abstention from aggressive action is that until they are quite certain that there will be no war they are anxious to keep in reserve all the means of destruction which they have accumulated. They hope that the disgust felt at Russia's attitude and the irritation caused by sight of the distress of the refugees now pouring into Bulgaria from the Turkish side will soon end by forcing on a crisis, failing which, however, they count on being able with the means now at their disposal to institute a worse reign of terror than Europe can imagine. They claim to have incredibly large stores of dynamite, especially near Adrianople, and electrical appliances so fitted as to render easy instantaneous explosions. The cold but determined tone in which these men almost invariably speak gives the impression of their being men well equipped and firmly resolved, should events fail to tally with their wishes, to do the worst havoc they can.

G. C. H. de J. du Vallon.

Nr. 13300. **GROSSBRITANNIEN.** — Der Generalkonsul in Saloniki an den Botschafter in Konstantinopel. Erlaß einer türkischen Amnestie.

Salonica, September 26, 1903. (October 7.)

Sir, || I have the honour to report that the Valis of the European provinces have received from the Sublime Porte a Proclamation addressed to the revolted populations, repeating the promises of amnesty and pardon to those who submit and lay down their arms, and threatening that those who fail to take advantage of this last chance of submission will be treated in the most rigorous fashion. || This Proclamation is being translated into Bulgarian, and will be communicated to the rural population through the local authorities. || It is possible that in the Vilayets of Salonica and Kossovo, where no general rising and subsequent massacre of villagers have taken place, this Proclamation may produce a satisfactory result if the local authorities are able and willing to give effect to it by protecting those insurgents who surrender. In Monastir, however, so many cases have occurred of the ill-treatment and slaughter, not only of surrendered members of insurgent bands, but of the non-

combatant villagers who had returned to their homes on the faith of official promises of protection, that no good result can be expected from the promulgation of this Proclamation; while the facts of its being described as a „last appeal“ and of more rigorous measures being threatened cause it to be interpreted locally as portending war to the death, rather than heralding peace and conciliation. R. W. Graves.

Nr. 13301. **GROSSBRITANNIEN.** — Der Minister des Ausw. an den Botschafter in Konstantinopel. Bedenken der Pforte gegen die Unterstützung der mazedonischen Flüchtlinge.

Foreign Office, October 7, 1903.

Sir, || The Turkish Ambassador referred to-day to the conversation which we had had on the 30th ultimo (as recorded in my despatch of that date) with regard to the distribution of relief to Macedonian fugitives, and made a further statement to the following effect: — || The distribution of relief to the fugitives, even under the conditions indicated by me in our previous interview, could only result in encouraging the Revolutionary Committees in their seditious behaviour, and would thus be prejudicial to the interests of the Turkish Government, who regarded the matter at issue from this point of view with keen regret. || I again repeated, using very decided language, that His Majesty's Government strongly commended, and would on no account discourage, attempts to afford relief to these unfortunate people, and that we should, on the contrary, expect the Turkish Government to give facilities to the agents by whom the work of distribution would be undertaken. || His Excellency appeared to be under the impression that assistance was likely to be given only to fugitives who had taken refuge in Bulgaria. I said that, to the best of my belief, this was not the intention of the persons who were organizing the movement, and that I believed that the Committee which had been formed desired to give help without distinction of race or creed and within Macedonia itself. Lansdowne.

Nr. 13302. **GROSSBRITANNIEN.** — Derselbe an Denselben. Dasselbe.

Foreign Office, October 14, 1903.

Sir, || The Turkish Ambassador made to me to-day a further statement with regard to the question of the distribution of relief in Macedonia, to the following effect: — || The Turkish Agent at Sophia had

reported that a Committee had been formed in London, under the presidency of Mr. Buxton, to collect subscriptions and destribute them to the Bulgarian fugitives at Bourgaș and to the inhabitants of the Roumelian vilayets who were in a distressed condition. Help from abroad, under whatever shape or form, could only encourage the revolutionary bands, and stimulate their subversive action, thus contributing to still greater calamities and provoking fresh tragic events. Under these circumstances, the Turkish Government could not permit any help by means of foreign subscriptions, and it was well known that they were themselves doing all that was necessary to succour the distressed. || I told his Excellency that I must adhere to what I had already said to him upon this subject. In reply to a question by his Excellency, I said that I was satisfied that the relief would be distributed without distinction of race or creed, and that our Consuls would be directed to afford assistance upon this condition. I added that it seemed to me perfectly evident, with reference to the concluding part of his statement, that the Turkish Government were not likely to be able to cope with the distress which had arisen. || I thought that, under the circumstances, they ought to welcome the assistance which was offered by philanthropic persons in this country. Lansdowne.

Nr. 13303. ÖSTERREICH-UNGARN und RUSSLAND. — Identische Noten an ihre Botschafter in Konstantinopel. Reformen für Mazedonien.

22. Oktober 1903.

Pour établir un contrôle de l'activité des autorités locales Ottomanes quant à l'application des réformes, nommer auprès de Hilmi Pacha des Agents Civils spéciaux d'Autriche-Hongrie et de Russie obligés d'accompagner partout l'Inspecteur-Général, d'attirer son attention sur les besoins de la population Chrétienne, de lui signaler les abus des autorités locales, de transmettre les recommandations y relatives des Ambassadeurs à Constantinople et d'informer leurs Gouvernements de tout ce qui se passe dans le pays. Comme aides aux dits Agents pourraient être nommés des Secrétaires et des Drogmans chargés de l'exécution de leurs ordres et autorisés à cet effet à des tournées dans les districts pour questionner les habitants des villages Chrétiens, surveiller les autorités locales, &c. || La tâche des Agents civils étant de veiller à l'introduction des réformes et à l'apaisement des populations, leur mandat expirera dans le délai de deux ans à partir de leur nomination. || La Sublime Porte devra prescrire aux autorités locales d'accorder à ces Agents toutes les facilités pour qu'ils soient à même de remplir leur mission. || 2. Vu que la réorganisa-

tion de la gendarmerie et de la police Turque constitue une des mesures les plus essentielles pour la pacification du pays, il serait urgent d'exiger de la Porte l'introduction de cette réforme. || Prenant cependant en considération que les quelques officiers Suédois et autres, employés jusqu'à présent et qui ne connaissent ni la langue, ni les conditions locales, n'ont pu se rendre utiles, il serait désirable d'introduire dans le projet primitif les modifications et compléments suivants: — || (*a.*) La tâche de réorganiser la gendarmerie dans les trois vilayets sera confiée à un Général de nationalité étrangère, au service du Gouvernement Impérial Ottoman, auquel pourraient être adjoints des militaires des Grandes Puissances qui se partageraient entre eux les circonscriptions ou ils déploieraient leur activité de contrôleurs, d'instructeurs, et d'organisateurs. De cette manière ils seraient à même de surveiller aussi les procédés des troupes envers la population. || (*b.*) Ces officiers pourront demander, si cela leur paraissait nécessaire, l'adjonction d'un certain nombre d'officiers et de sous-officiers de nationalité étrangère. || 3. Aussitôt qu'un apaisement du pays sera constaté, demander au Gouvernement Ottoman une modification dans la délimitation territoriale des unités administratives en vue d'un groupement plus régulier des différentes nationalités. || 4. Simultanément demander la réorganisation des institutions administratives et judiciaires dans lesquelles il serait désirable d'ouvrir l'accès aux Chrétiens indigènes, et de favoriser le développement des autonomies locales. || 5. Instituer immédiatement dans les principaux centres des vilayets des Commissions Mixtes formées d'un nombre égal de Délégués Chrétiens et Musulmans pour l'examen des crimes politiques et autres commis durant les troubles. A ces Commissions devraient prendre part des Représentants Consulaires d'Autriche-Hongrie et de Russie. || 6. Exiger du Gouvernement Turc l'allocation de sommes spéciales: — || (*a.*) Pour la réintégration dans les localités de leur origine des familles Chrétiennes qui se sont réfugiées en Bulgarie ou ailleurs; || (*b.*) Pour le secours aux Chrétiens qui ont perdu leur avoir et leur domicile; || (*c.*) Pour la restauration des maisons, des églises, et des écoles, détruites par les Turcs durant l'insurrection. || Des Commissions, dans lesquelles siégeront les Notables Chrétiens, décideront de la répartition de ces sommes. Les Consuls d'Autriche-Hongrie et de Russie en surveilleront l'emploi. || 7. Dans les villages Chrétiens brûlés par les troupes Turques et les Bachi-Bozouks les habitants Chrétiens réintégrés seront libérés durant un an du payement de tout impôt. || 8. Le Gouvernement Ottoman s'engagera à introduire à nouveau sans le moindre retard les réformes mentionnées dans le projet élaboré au mois de Février de l'année courante ainsi que celles dont la nécessité serait ultérieurement

indiquée. || 9. La plupart des excès et des cruautés ayant été commis par des Havés (Rédifs de IIe classe et des Bachi-Bozouks, il est urgent que les premiers soient licenciés, et que la formation de bandes de Bachi-Bozouks soit absolument empêchée.

Die Note wurde der Pforte am 22. Oktober mit folgendem Memorandum überreicht.

Yénikeuy, le 9 (22) Octobre, 1903.

Les Cabinets de Vienne et de Saint-Pétersbourg, poursuivant l'œuvre d'apaisement et de justice qu'ils ont assumé dans l'intérêt supérieur de la paix en Orient, ont jugé que l'expérience des neuf mois écoulés depuis la présentation et l'acceptation par la Sublime Porte de leur projet de réformes dans les trois vilayets rendait indispensable d'en garantir l'introduction effective et le fonctionnement par des mesures appropriées à ce but. || En conséquence, les Ministres des Affaires Étrangères d'Autriche-Hongrie et de Russie ont adopté à Vienne, lors de la récente entrevue de leurs augustes Souverains, un programme en neuf points, qui a obtenu la sanction de leurs Majestés Impériales et que les Ambassadeurs des deux Puissances à Constantinople sont chargés de communiquer au Gouvernement de Sa Majesté le Sultan. || Les Gouvernements d'Autriche-Hongrie et de Russie espèrent que celui-ci restera convaincu de leurs sentiments amicaux et acceptera avec confiance leurs conseils et leurs concours. || En s'acquittant de la mission par la remise du *pro-memoriâ* ci-annexé, contenant les neuf points sus-mentionnés, les Ambassadeurs d'Autriche-Hongrie et de Russie sont donc persuadés que le Gouvernement Impérial Ottoman, pénétré d'une juste appréciation de la situation, s'empressera d'adhérer aux mesures proposées et de les appliquer intégralement et loyalement.

Nr. 13304. **GROSSBRITANNIEN.** — Der Minister des Ausw. an den Botschafter in Wien. Unterredung mit dem österreichisch-ungarischen Botschafter über das vorige.

Foreign Office, October 26, 1903.

Sir, || The Austro-Hungarian Minister called upon me to-day, and asked me whether I was able to give him any information as to the manner in which His Majesty's Government regarded the revised scheme of reforms for Macedonia described in the Memorandum, which he left at this Office on the 24th instant. Count Mensdorff was anxious that I should understand that the main object of the two Powers was to restore

peace in Macedonia and to afford relief to the suffering population; and also to obtain sufficient guarantees for the execution of the reforms promised. Count Goluchowski hoped that the instructions given to the two Ambassadors at Constantinople would upon the whole meet with our approval. || I told Count Mensdorff that I was sure that he would not be surprised if I was unable to supply him at once with an official statement of the views of His Majesty's Government upon this important question. I said that at certain points the scheme certainly seemed to stand in need of explanation, and I cited the following in illustration of my meaning: — || 1. I gathered that it was intended to retain Hilmi Pasha as Inspector-General. If so, I could not help feeling that in view of the events which had occurred during his tenure of office it would have been better to replace him. || 2. I was surprised at the apparent intention of confining the attention of the Inspector-General and his Assistants to the needs of the Christian population which again seemed to be singled out for special treatment in Articles 6 and 7. || 3. I should like further information as to the relations of the foreign officers to be deputed by the Great Powers with the General intrusted with the organization of the gendarmerie. || 4. I observed that the rearrangement of the administrative districts and the reorganization of the administrative and judicial institutions were not to be undertaken until the country could be said to be pacified. I was afraid that this might mean a prolonged and indefinite delay. || 5. I should be glad to know how the Mixed Commissions contemplated by Article 5 were to be appointed. || 6. I observed that the instructions were absolutely silent upon the question of finance, which seemed to me to lie at the root of all Macedonian reforms. Many of the proposals of the two Powers could not be carried out without considerable expenditure of money. It was not clear how this was to be provided. Besides this, it seemed to me that unless the finances of the vilayets were placed in thoroughly competent hands no administrative reforms could really be introduced. I mentioned these points rather by way of illustration than as a complete enumeration. || Count Mensdorff said that he thought the scheme put forward in February contained provisions as to measures of financial reform for the vilayets, and that for this reason the question of finance had not been dealt with in the revised scheme. || I told Count Mensdorff that we should certainly instruct our Ambassador at Constantinople not to use any language with regard to the new scheme which might convey to the Sultan the impression that the Powers were disunited. || We should, on the contrary, in so far as the new scheme went further than its predecessor,

give it our general support, reserving to ourselves as we had done on a former occasion the right of offering any recommendations which a closer examination might suggest. Lansdowne.

Nr. 13305. TÜRKEI. — Iradé über Reformen in Rumelien. (Auszug aus dem „Levant Herald"). October 17, 1903.

Reforms in Roumelia. — An Imperial Iradé has been issued commanding the immediate application of the measures decreed by the Council of Ministers in view of insuring tranquility in the Roumelian provinces. ‖ With His Majesty's permission a Commission was recently appointed under the presidency of the Inspector-General, composed of representatives of the various elements of the population, to superintend the execution of certain reforms consistent with the fundamental principle of the laws and regulations now in force, and to facilitate the realization of the measures previously ordained. Some of these reforms have already been applied, and the delay in the execution of the rest must be ascribed to the state of affairs in Roumelia. ‖ The delay, however, could not be of long duration, for the benevolent intentions of His Majesty the Sultan produced a favourable impression, and the Bulgarians, whom the Committees had, by threat or persuasion, prompted to commit reprehensible acts and to escape to the mountains, have repented, and are now, according to official information, beginning to return in numerous batches to their villages, and to implore the Sovereign's pardon. ‖ There is every reason to believe that this revulsion of feeling on the part of the Bulgarians will soon be general, and that at no distant date peace and order will reign in that region. ‖ In view of the great progress made in the pacification of Roumelia, the Government has decided to carry out at once those reforms which have not yet been applied. The ruined houses, most of which were burnt down by bands or were blown up by means of bombs or dynamite, will be rebuilt or repaired at the cost of the Government, as a fresh proof of the Sovereign's generosity and philanthropy. The requisite funds will be remitted to the Inspector-General. Special Commissions, appointed by Hussein Hilmi Pasha, will supervise the reconstruction or repair of dwellings. The Bulgarians who have joined the bands and fled to the mountains will be asked to return to their villages, where the authorities will superintend their establishment. The Government will afford relief to the distressed, and will grant all possible facilities to the fugitives who appeal to His Majesty for pardon and appreciate his generosity and the favours which he showers on his

subjects. || The civil and financial officials will be called upon to redouble their zeal and activity in the accomplishment of their duties, in order to facilitate the application of the reforms which have not yet been carried out. The Sublime Porte and the Ministry of Finance will concert measures for procuring the necessary funds to insure the regular payment of salaries and of all expenses to the end of the current year. The Government has arranged to take even more efficacious measures to prevent reprehensible acts during the pursuit of bands or in the course of fighting. Officials of all ranks, as well as private persons guilty of blameworthy acts, will be prosecuted. || The Imperial Government recently engaged two officers in Sweden for the reorganization of the gendarmerie in the three provinces. The Government has now secured the services of four Belgian officers for the same purpose. These officers have already left Brussels for Constantinople, and will be sent at once to Roumelia. A Commission under the presidency of Hamdi Bey, Commander of the gendarmerie of Monastir, recently left that town to inspect the corps of field-watchmen and woodrangers. The task of this Commission is to be enlarged, and special measures will be adopted to facilitate its accomplishment. The bands of agitators will be vigorously pursued, and peaceful inhabitants will be protected against attack. As regards those under arrest on the charge of taking part in the agitation or of joining the brigands, the Ministry of Justice will investigate their cases with the utmost dispatch, and will prevent delay in their trials. Instructions will be sent to the administrative authorities to facilitate the task of the examining Magistrates. All fugitives to Bulgaria returning to Roumelia and delivering their arms will be protected and succoured. || Such are the measures which Ministers have adopted in Council, and which have met with His Majesty's approval. The Sublime Porte has already sent instructions for their application without delay.

Nr. 13306. **GROSSBRITANNIEN.** — Der Minister des Ausw. an den Botschafter in Konstantinopel. Die englische Regierung billigt Nr. 13303. mit einigen Vorbehalten. Die Pforte soll es im Prinzip annehmen.

Foreign Office, October 29, 1903.

(Telegraphic.) || Macedonia. Turkish Ambassador has not as yet received instructions to make any communication to me respecting the recent proposals of Austria-Hungary and Russia. If he should do so I propose to reply to the following effect, and you should use similar

language if questioned: — || His Majesty's Government supported the scheme put forward by the two Powers in February last in principle, although with reservations. These were made in the belief that the scheme represented the minimum of what was indispensable, and that it would be necessary to expend it and to find further securities for its practical execution. || The revised scheme seems to His Majesty's Government an improvement on its predecessor, especially in so far as it contains new provisions designed for the purpose of insuring the practical application of the proposed reforms. || The scheme may no doubt at some points be capable of improvement, and it is clear that the elaboration of details will require the utmost care. || His Majesty's Government have, in these circumstances, undertaken to give the new scheme their support, and if they offer suggestions or criticisms, these will be made with the object of strengthening the scheme, and not of weakening it. They can only counsel the Porte to accept it in principle, to approach the discussion of all questions of detail in a candid and conciliatory spirit, and to offer no unnecessary opposition to its execution.

Nr. 13307. **GROSSBRITANNIEN.** — Derselbe an Denselben. Dasselbe.

Foreign Office, November 2, 1903.

(Telegraphic.) || I am informed by Baron Graevenitz that the French Government, at the instance of Count Lamsdorff, have instructed their Ambassador at Constantinople to give the most energetic support to the new scheme of reforms. An earnest hope is expressed by Count Benckendorff, who is now in Paris, that support may also be given by His Majesty's Government. || I told Baron Graevenitz that you would be instructed to make a communication to the Porte in the sense of my telegram of the 29th ultimo to you, of the substance of which I informed him. || I request that you will take the first opportunity of acting accordingly.

Nr. 13308. **GROSSBRITANNIEN.** — Der Botschafter in Konstantinopel an den Minister des Ausw. Unterredung mit dem türkischen Minister über die Reformfrage. Antwort der Pforte auf Nr. 13303.

Constantinople, November 5, 1903. (November 11.)

My Lord, || I have the honour to report that, in compliance with your Lordship's instructions, I informed the Minister for Foreign Affairs this afternoon that His Majesty's Government desired generally to support

the new schemes of reform set forth in the Memorandum recently communicated to the Sublime Porte by the Austrian and Russian Ambassadors. I made this communication to-day, although I was aware that the Imperial Government were already under no doubt as to the attitude of His Majesty's Government, whose desire it was to see effect given to reforms which would tend to improve the administration throughout Macedonia, remove the just grievances of the inhabitants, and restore tranquillity and personal freedom and security throughout the Balkan Peninsula. His Majesty's Government therefore had hoped that the Sublime Porte would approach the discussion of these reforms in an earnest and friendly spirit, with a view to practical and serious results. || I said that I regretted to hear that the reply of the Porte to the proposals of the two Ambassadors was far from satisfactory. || Tewfik Pasha replied that they had studied the proposals with every desire to comply with them, but that this had in several instances been found impossible. The Ist Article, for attaching to the Inspector-General an Austrian and a Russian Assessor, was unnecessary, as the two Consuls had ready access to him, and full opportunity of making suggestions or laying before him any matters of complaint that required redress. The proposal in Article IIA, investing foreign officers with a power to interfere, and in a certain manner control the regular army, was such a direct infringement of the sovereign rights of the Sultan, and so likely to be attended with danger and friction, that its acceptance was impossible. Steps had already been taken to reorganize the gendarmerie, and two German and three Turkish officers had been sent to Macedonia for that purpose, and it would be in their power to do all that was necessary. In a similar way measures had been taken for rebuilding the burnt villages of both Moslem and Christians without distinction, and provision was made to provide for the wants of the distressed population, while it was contemplated to grant an amnesty to all persons who had been led astray and induced to leave their homes by the insurgents and political agitators. || I said that, from his Excellency's own account, I was greatly afraid the Imperial Government was not treating this question in a really serious manner, and was being impelled on the road to greater trouble and difficulties in the near future. The effect, both in Europe and Macedonia, of a refusal to grant more effective and pratical reforms than those suggested in the scheme of last February would be lamentable, and if the Macedonian insurrection broke out again next spring with renewed vigour they might realize the consequences. A momentary restoration of tranquillity, partly due to the inclemency of the season, would not remove any of the dan-

gers of the situation. It depended upon the Imperial Government to take advantage of the present opportunity, and, as Lord Salisbury said after the Congress of Berlin, „to address themselves to the duties of good government and the task of reform". I utterly failed, however, to understand why they should raise any difficulties to the thorough reorganization of the gendarmerie under European officers of various nationalities. It was the best means of restoring general tranquillity and inspiring such confidence among the inhabitants as to induce them to return to their villages, and it was in accordance with the real interests of the Imperial Government. || In reply, his Excellency merely observed that the answers of the Porte showed their objections to the proposals; but that the two Ambassadors, in urging their acceptance, had assured him that they were open to discussion, and that they would not refuse to examine the details conjointly with the Sublime Porte after they had been accepted in principle. || In conclusion, Tewfik Pasha said he would send me, in the course of the evening, a copy of the Porte's reply to the Austrian and Russian Ambassadors, who had, in acknowledging its receipt, merely said that they preferred not to make any reply until they had received the instructions of their respective Governments. || I have the honour to inclose herewith to your Lordship the communication in question.

N. R. O'Conor.

Anlage.

Memorandum.

Le Gouvernement Impérial a examiné avec la plus grande attention le *pro-memoriâ* que leurs Excellences MM. les Ambassadeurs d'Autriche-Hongrie et de Russie ont bien voulu lui remettre, en date du 9 (22) Octobre, pour lui faire part de certaines recommandations touchant les trois Vilayets de Salonique, Monastir, et Kossovo. || Malgré les menées subversives auxquelles les Bulgares, mus par leurs visées ambitieuses, se sont livrés pour troubler la tranquillité dans ces trois provinces, le Gouvernement Impérial, tout en avisant aux dispositions militaires propres à assurer le rétablissement de l'ordre, n'avait pas manqué de poursuivre l'application des mesures de réorganisation déjà adoptées, et prenant en considération les avis amicaux des deux Puissances, il a apporté la plus grande vigilance à l'exécution des réformes arrêtées. L'objet constant des efforts du Gouvernement étant de consolider partout l'ordre et la sécurité, d'assurer le bien-être et la prospérité de toutes ses populations, et de sauvegarder son indépendance, il croit devoir soumettre à l'appréciation éclairée des

deux Gouvernements l'exposé suivant. Le mandat de l'Inspecteur-Général ne devant expirer que dans deux ans, et le calme et la tranquillité se rétablissant de jour en jour sous les heureux auspices de Sa Majesté Impériale le Sultan, il est évident que ce délai sera amplement suffisant pour parachever l'application des mesures décrétées. De même que les Consuls de Russie et d'Autriche-Hongrie dans les dits vilayets communiquent leurs constatations et leurs renseignements à l'Inspecteur-Général, de même celui-ci fait part des mesures adoptées et exécutées à ces Agents, qui, de leur côté, en avisent leurs Ambassades. Il est naturel que l'Inspecteur-Général continue à agir de la sorte. || En ce qui concerne la réorganisation de la gendarmerie dans les trois provinces, une Commission, composée des Généraux de Division Edib, Rahmi, Auler, et Rüdgisch Pachas, du Lieutenant-Colonel Sadyk, et du Major Chukri Bey, vient d'être envoyée sur les lieux, munis d'instructions formelles et précises. Elle aura, entre autres, à adopter intégralement les dispositions spéciales édictées à ce sujet pour compléter la réforme de ce corps, et d'employer les officiers Suédois, Norvégiens, et Belges déjà engagés pour le contrôle, l'instruction, et le perfectionnement des diverses branches de ce service. || Une amnestie générale sera accordée par Sa Majesté Impériale le Sultan en faveur des familles Bulgares qui, poussées par la frayeur, se sont réfugiées en Bulgarie ou ailleurs ou qui se sont cachées dans d'autres localités de l'Empire, afin qu'elles puissent réintégrer leur domicile et vivre heureusement sous l'égide paternel de Sa Majesté Impériale le Sultan, qui, de sa haute générosité, s'est plu à accorder les sommes nécessaires pour les secours à distribuer, sans distinction de race ni de religion, à ceux de ses sujets qui ont perdu leur avoir et leur domicile, et pour la restoration des maisons, mosquées, églises, et écoles détruites durant les troubles. || Aussi l'Inspecteur-Général a-t-il reçu l'ordre d'arrêter le mode de répartition de ces fonds par les soins de la Commission, formée sous sa présidence et composée de membres appartenant aux différents éléments du pays, de pourvoir, s'il y a lieu, à l'augmentation des sommes affectées à cet objet et d'en faire la distribution par l'entremise de Notables choisis parmi les personnes méritant le plus de confiance. Il aura soin d'informer les Consuls d'Autriche-Hongrie et de Russie des distributions qui seront ainsi faites. Il va sans dire que tous ceux qui reviendront dans les trois provinces ne pourront être autres que des indigènes ayant pris la fuite par suite des troubles, et non des habitants de la Principauté. || Le Gouvernement Impérial est décidé à libérer durant une année de tout impôt les habitants réintégrés seulement des villages Musulmans et Chrétiens détruits. || Les réformes mentionnées dans le projet

élaboré au mois de Février ont été toutes appliquées, ainsi que cela ressort du télégramme ci-annexé de l'Inspecteur-Général. Seul le nombre des gendarmes Chrétiens n'ayant pas pu être atteint, par suite de l'abstention des habitants non-Musulmans des Vilayets de Salonique et de Kossovo, provoquée par les menaces des Comités, le Gouvernement Impérial est fermement résolu à exécuter sans retard cette clause également dans son intégralité. Il a donné à cet effet à Hassan Hilmi Pacha de nouveaux ordes catégoriques, et leurs Excellences les Ambassadeurs peuvent être pleinement assurés de la compléte application des mesures arrêtées. || Prenant acte de la déclaration qui lui a été faite que des ordres avaient été donnés pour la démobilisation des troupes Bulgares, le Gouvernement Impérial a de son côté licencié entièrement les Rédifs du deuxième ban. || Comme le Gouvernement Impérial n'emploie jamais de Bachi-Bozouks, pas n'est besoin de répéter cette vérité. La réorganisation judiciaire a été accomplie sur les bases arrêtées. || Quant à la formation des communes, elle a été déterminée dans le programme des réformes qui sont en pleine voie d'application. Celles-ci répondant à tous les besoins des trois provinces, il n'y a pas lieu de prévoir d'autres mesures ultérieures. || Telles sont les dispositions adoptées en vue d'assurer l'ordre et la sécurité, et elles auraient certes produit plus rapidement et plus efficacement leurs effets, si les agitateurs Bulgares n'avaient pas mis tout en œuvre pour les [?]. Mais tandis que les perturbateurs ne cessent de commettre les attentats les plus odieux par les balles Dum Dum, qui ne sont employées que contre les bêtes féroces, par les bombes et la dynamite, semant partout le trouble et la destruction et ne s'arrêtant devant rien pour soulever les esprits, le Gouvernement Impérial, surmontant toutes ces difficultés, est parvenu à mettre en exécution la presque totalité des réformes promulguées. Il se plaît à espérer que son activité et ses bonnes intentions seront appréciées à leur juste valeur.

Nr. 13309. TÜRKEI. — Bericht des Gouverneurs von Mazedonien über die Ausführung der Reformen.

Le 10 Octobre, 1903.

(Traduction.) || (Télégraphique.) || Conformément à l'Article 3 des instructions relatives au programme des réformes, le Caïmacanats des chefs-lieux des vilayets de Roumélie ont été complètement institués. La police et la gendarmerie ont été réorganisées suivant les prescriptions des Articles 6, 7, et 8 des dites instructions, et le nombre des Chrétiens incorporés dans la gendarmerie du Vilayet de Kossovo a été augmenté

dans les proportions prévues. Mais par suite des agissements et des menaces des Comités, le chiffre des Chrétiens à admettre dans la gendarmerie du Vilayet de Monastir n'a pu encore être complété. Néanmoins, 190 gendarmes Chrétiens ont pu y être déjà engagés, et la Commission *ad hoc* fait tout son possible pour l'incorporation des 250 Chrétiens manquant. Quant aux agents de police Chrétiens de cette province, leur nombre vient d'être porté au chiffre fixé. Dans le Vilayet de Salonique également le nombre des gendarmes Chrétiens n'a pu atteindre la proportion voulue, mais cela tient uniquement à ce que les habitants non-Musulmans se montrent peu disposés à s'enrôler. C'est là un fait connu de tous. Les Articles 10 et 11 concernant la réorganisation de la justice dans les vilayets, sandjaks, et districts, et la création de nouveaux Tribunaux Correctionnels et Civils ont été entièrement appliqués. En exécution des Articles 13 et 14, l'on a commencé à établir des écoles primaires. Ainsi, dans le district de Kiuprulu une école primaire pour les habitants Bulgares a été créée dans chaque groupe de quatre villages, des professeurs de langue Turque ont été nommés dans les écoles Grecques et Bulgares, et on travaille à l'amélioration des écoles „ruchdie" mixtes. En outre, les enfants Chrétiens qui désirent entrer dans les écoles secondaires („idadi") y sont admis comme internes et boursiers. En conformité de Article 15, le 5 pour cent des revenus généraux est versé chaque semaine aux banques agricoles avec la plus parfaite régularité. Les travaux d'utilité publique n'ont pas été interrompus, même pendant les désordres; l'on est ainsi arrivé à construire dans le courant de cette année près de 200 kilom. de routes, et l'on a commencé la contruction d'un grand pont [? deux grands ponts] d'une valeur de £ T. 5000 à £ T. 6000 chacun, et de plus de cinquante ponts de moindre importance, dont une partie en fer et l'autre en pierre. Tous les employés prévenus d'abus ou faisant preuve d'incapacité ont été aussitôt révoqués ou mis sous jugement. Près de 1000 fonctionnaires ont été, durant ces neuf derniers mois, l'objet de pareilles mesures de rigueur. || Les officiers engagés en Europe conformément à l'Article 3 des instructions supplémentaires pour la réorganisation de la police et la gendarmerie travaillent à l'accomplissement de leur tâche. Toutes sortes de facilités sont offertes à ceux qui désirent se faire incorporer dans la gendarmerie. Non seulement ceux qui n'écrivent point, mais même ceux qui ignorent complètement la langue Turque y sont admis. Les gardes champêtres qui font l'objet de l'Article 4 ont été élus par la population Chrétienne. Les élections sont déjà terminées dans les trois vilayets; elles sont été effectuées de manière à donner lieu à aucune plainte ni objection. Seules les gardes champêtres des

villages dépendant du chef-lieu du Vilayet de Monastir n'ont pu encore être élus par suite des événements; mais le Caïmacan du dit chef-lieu et deux Colonels de Gendarmerie y ont été envoyés pour veiller à ce que les élections seraient également terminées dans une semaine. Des listes indiquant, avec tous les détails nécessaires, les nombres de villages, ainsi que celui des gardes champêtres Musulmans et Chrétiens du Vilayet de Monastir, ont été transmises à tous les Consulats étrangers. Des poursuites judiciaires sont, conformément à l'Article 5, dirigées contre les habitants de toute race prévenus de s'être livrés à des vexations ou à des actes de violence les uns contre les autres, et on avise aux moyens les plus propres à assurer la bonne harmonie entre les différents éléments de la population. A ce propos il est inutile de rappeler les mesures efficaces qui ont été, il y a quelque mois, prises dans ce but dans le Vilayet de Kossovo par une force armée de trois divisions. Quant à l'Article 6 concernant l'amnestie accordée par Sa Majesté Impériale aux personnes prévenues de délits publics, il a été entièrement appliqué dans l'espace d'une semaine à partir du jour de la promulgation de l'Iradé Impérial y relatif. Des succursales de la Banque Ottomane ont été, suivant les prescriptions de l'Article 7, instituées dans les vilayets susmentionnés et les encaissements et les paiements sont depuis lors opérés par leur entremise. Le système de l'affermage des dîmes en bloc a été supprimé. Celles-ci sont mises en adjudication et affermées village par village, et la préférence est donnée aux villageois sur les autres adjudicataires. Ainsi qu'il ressort de tous ces détails, les dispositions arrétées ont été entièrement mises en application avec la plus grande impartialité, à l'exception de celle qui concerne la gendarmerie des Vilayets de Salonique et de Monastir, où le nombre des Chrétiens incorporés n'a pas encore atteint le chiffre voulu. Mais comme il a été dit plus haut, ce fait est uniquement dû aux agissements et incitations des Comités et à l'abstention des populations Chrétiennes. || Personne ne pourrait contredire l'exposé qui précède.

NB. — Un rapport ultérieur de son Excellence Hilmi Pacha informe que les gardes champêtres des villages dépendant du chef-lieu de Monastir ont également été tous nommés.

Nr. 13310. **GROSSBRITANNIEN.** — Der Minister des Ausw. an den Botschafter in Konstantinopel. Die Reorganisation der Gendarmen ist dringend.

Foreign Office, November 13, 1903.

(Telegraphic.) || His Majesty's Government are anxious to send out as soon as possible the officers who will take part, under paragraph 2

of the Mürzsteg scheme, in the reorganization of the gendarmerie and accompany the Turkish troops. || Let me know at once when you think it desirable to announce the selection of officers. || If, as seems probable, there is much delay over the details of this part of the scheme, would Porte consent to a few officers being sent by us to acquire a knowledge of the local conditions in the European provinces?

Nr. 13311. **ÖSTERREICH-UNGARN und RUSSLAND.** — Denkschrift an die Pforte. Verlangen Antwort auf Nr. 13303.

9. November 1903.

Mémoire. || Les Cabinets de Vienne et de Saint-Pétersbourg ont été péniblement impressionnés par la fin de non recevoir que la Sublime Porte cherche à opposer aux propositions des deux Empires, en alléguant que le programme de réformes du mois de Février est en train de recevoir une exécution complète et au delà et qu'il ne reste plus rien à faire dans cette voie. || L'Autriche-Hongrie et la Russie, guidées par un intérêt majeur et unies dans une conformité de vues complète, ne sauraient se laisser détourner de leur but par des assertions de ce genre. Si osées qu'elles soient, elles n'auront jamais la force persuasive des faits qui attestent la nécessité d'asseoir les réformes sur une base plus solide. || La confiance témoignée en Février dernier à la Turquie pour les introduire par ses propres moyens n'a point été justifiée par les événements. Les deux Puissances les plus intéressées au maintien de la paix et du bon ordre dans les Balcans n'en ont pas moins tenu compte dans leurs nouvelles propositions des légitimes susceptibilités du Gouvernement Ottoman en assignant un terme à leur concours effectif à l'oeuvre des réformes; elles en soulignent le caractère provisoire et par conséquent ne portant aucune atteinte aux droits souverains de Sa Majesté Impériale le Sultan: en maintenant dans leur programme, à la tête des trois vilayets, un Administrateur Ottoman contrairement à une tendance assez prononcée qui voudrait y voir un Gouverneur-Général étranger investi d'un mandat Européen, elles donnent une preuve indéniable de leurs intentions amicales et de leur désir de ménager autant qu'il sera possible les prérogatives du Pouvoir Souverain. || Les Ambassadeurs d'Autriche-Hongrie et de Russie ont ordre de soumettre ces considérations à l'attention la plus sérieuse de la Sublime Porte, en exprimant le ferme espoir de leurs Gouvernements qu'elle ne tardera pas à accepter loyalement et intégralement leurs propositions, concertées à l'entrevue de Vienne et Mürzsteg. Les conséquences d'une résistance irréfléchie découlent logiquement de ce

qui précède et le danger des complications qui en seraient la suite n'échappera certainement pas à l'appréciation de la Sublime Porte.

Nr. 13312. GROSSBRITANNIEN. — Der Minister des Ausw. an den Botschafter in Konstantinopel. Vorschlag, ein Aufsichtskomitee in Konstantinopel einzusetzen.

Foreign Office, November 24, 1903.

(Telegraphic.) || I have read your despatch of the 17th instant relative to the proposed employment of European officers to reorganize the gendarmerie in Macedonia. || The best course would appear to be that the Ambassadors should be instructed by their respective Governments either themselves to act as a Committee in order to draw up a scheme of procedure or to designate a Committee of experts for that purpose, and I propose to make a tentative suggestion in this sense.

Nr. 13313. GROSSBRITANNIEN. — Der Minister des Ausw. an die Botschafter in Paris und Rom. Reorganisation der mazedonischen Gendarmerie.

Foreign Office, November 25, 1903.

Sir, || I mentioned to the French Ambassador to-day that we attached great importance to sending out at the earliest possible moment to the Balkan Peninsula a certain number of British officers to assist in reorganizing the gendarmerie, and also in order that they might accompany the Turkish troops and watch the course of events. || If, however, this policy was to be adopted, it was necessary to lay down beforehand arrangements under which the officers deputed for these purposes by the different Powers might have their duties defined and rules of procedure laid down for their guidance, I had suggested to Sir N. O'Conor that it might be desirable that the Ambassadors of the Great Powers should constitute themselves into a Committee for the purpose of drawing up the necessary plan, or, if it were thought undesirable for the Ambassadors to act themselves, that they should appoint other qualified persons to serve on such a Committee. || M. Cambon appeared to be favourably impressed with the idea, and told me that he would at once communicate it to the French Government. Lansdowne.

Nr. 13314. GROSSBRITANNIEN. — Denkschrift an den russischen, deutschen und österreichisch-ungarischen Botschafter über die Reorganisation der mazedonischen Gendarmerie.

Foreign Office, November 26, 1903.

We are extremely anxious to lose no time in sending out a certain number of carefully-selected British officers for the purpose of assisting in the reorganization of the Macedonian gendarmerie in accordance with the joint scheme (which the Porte has, I am glad to see, accepted in principle), and also to accompany the Turkish forces in the field. If, however, this is to be done with any prospect of good results by ourselves and by the other Powers concerned, it is clear that an agreement must be arrived at with regard to the duties to be assigned to these officers and the general scheme of procedure in accordance with which they will have to act. I venture to suggest that with this object a Committee should be formed at Constantinople consisting of the Ambassadors of the Great Powers, or of persons deputed by them for the purpose, and that this Committee should draw up a scheme of the kind which I have described. || I should be grateful if you would tell me whether this idea commends itself to the Russian Government, and whether I am at liberty to instruct Sir N. O'Conor to confer with the Russian Ambassador as well as with his other colleagues.

Lansdowne.

Nr. 13315. TÜRKEI. — Annahme von Nr. 13303.

Le 24 Novembre, 1903.

La Sublime Porte a reçu et étudié le Mémoire que leurs Excellences MM. les Ambassadeurs d'Autriche-Hongrie et de Russie ont bien voulu lui remettre le 10 Novembre, 1903. || Elle prend acte des assurances qui lui ont été données touchant la pleine sauvegarde des droits souverains de Sa Majesté Impériale le Sultan, le maintien du *statu quo*, le respect de l'autorité et du prestige de l'Empire, ainsi que des déclarations subséquentes de leurs Excellences relatives au caractère provisoire à la limitation à deux ans des dispositions supplémentaires proposées en vue d'assurer l'accomplissement des réformes que le Gouvernement Impérial a adoptées au mois de Février dernier sur la proposition des deux Gouvernements, mesures dont il continue loyalement l'exécution. || La Sublime Porte s'empresse de déclarer qu'elle accepte en principe les neuf points énumérés dans le précédent Mémoire de leurs Excellences, se réservant

d'entrer en négociation à leur sujet pour s'entendre sur les détails de leur application en conformant les premier et second points, à l'indépendance, aux droits souverains, au prestige du Gouvernement Impérial, et au *statu quo*.

Nr. 13316. **GROSSBRITANNIEN.** — Der Botschafter in Konstantinopel an den Minister des Ausw. Ernennung der europäischen Beiräte für die Ausführung der mazedonischen Reformen.

Constantinople, December 9, 1903.

My Lord, || I have the honour to report that the Russian Ambassador was good enough to call upon me yesterday, and to inform me that he and his Austrian colleague had just presented a note to the Sublime Porte informing them that M. Demeric, now Russian Consul at Beyrout, and M. Müller, an employé in the Foreign Office at Vienna and some time Consul-General at Odessa, had been appointed Assessors to the Inspector-General Hilmi Pasha for the execution of the Macedonian reforms. || M. Zinoview was not, however, able to tell me whether a Commandant-in-chief had yet been selected for the gendarmerie, nor the decision of his Government in reply to his request for the appointment of a Russian officer to assist the General in preparing the plan of reorganization. || I again urged upon his Excellency the extreme importance of losing no time in proceeding in the most energetic and speedy manner with this most important clause of the reforms. Upon its execution within the next four months the tranquillity of Macedonia seemed to me to depend to a very great extent. There was an enormous amount of work to be done in this time, and I could not but regret that a Commission had not been appointed some time ago to study the financial resources of the vilayets, the mode of payment of the troops, the arrangements to be made with the Ottoman Bank for this purpose, and other kindred questions. It seemed to me also most desirable that the other foreign officers should arrive here as soon as possible, so that all the Governments who were prepared to participate in the work might be represented at the start, and placed on an equal footing. || M. Zinoview seemed to agree, and expressed his desire to see His Majesty's Government co-operate in the work of reorganization. N. R. O'Conor.

Nr. 13317. GROSSBRITANNIEN. — Der Botschafter in Petersburg an den Minister des Ausw. Ein italienischer General soll Kommandeur der Gendarmerie werden.

St. Petersburgh, December 16, 1903. (December 16.)

(Telegraphic.) || For some time past Count Lamsdorff has been urging on the Ambassadors at Constantinople the consideration that as there were only three months available before spring, it is important to make quicker progress with the arrangements for putting in force the scheme of reforms for Macedonia. || The Ambassadors reply that the arrangement of details is necessarily the work of a considerable time, but that they are doing all they can to accelerate the progress of the affair. || Count Lamsdorff is waiting to hear of the submission by the Italian Government of the name of an Italian General to command the gendarmerie. It appears that all the Powers have agreed to the selection of a General of that nationality.

Nr. 13318. GROSSBRITANNIEN. — Der Botschafter in Wien an den Minister des Ausw. Die Pforte verzögert die Ernennung eines italienischen Generals.*)

Vienna, December 23, 1903. (December 23.)

(Telegraphic.) || I am informed by Count Lützow that an exchange of views has taken place between Vienna and St. Petersburgh, and that a telegram is this evening being sent to Baron Calice, instructing him to act in conjunction with his Russian colleague on the question of the General of the Macedonian gendarmerie. || The Porte is to be informed that Austria-Hungary and Russia will themselves invite Italy to designate this officer in the event of the Turkish Government not doing so within a few days.

*) Am 27. Dezember genehmigte die Pforte auf nochmalige dringende Aufforderung die Ernennung eines italienischen Generals. Red.

Bündnisse, Verträge, Protokolle usw.

Nr. 13319. **NIEDERLANDE und BELGIEN.** — Post- und Sparkassenvertrag.

Convention assurant des facilités nouvelles aux déposants à la Caisse générale d'épargne et de retraite de Belgique et à la Caisse d'épargne postale des Pays-Bas.

Haag, 1. Juli 1903.

Le Gouvernement de Sa Majesté le Roi des Belges et le Gouvernement de Sa Majesté la Reine des Pays-Bas, ayant jugé utile d'apporter des modifications de détail à la Convention conclue entre les deux pays, le 16 septembre 1883, pour assurer des facilités aux déposants à la Caisse générale d'épargne et de retraite de Belgique et aux déposants à la Caisse d'épargne postale des Pays-Bas, ont résolu de substituer à cet acte la Convention dont la teneur suit:

Art. 1er. Les fonds versés à titre d'épargne, soit à la Caisse générale d'épargne et de retraite de Belgique, soit à la Caisse d'épargne postale des Pays-Bas, pourront, sur la demande des intéressés, être transférés, sans frais, de l'une des caisses dans l'autre, et réciproquement.

Les demandes de transferts internationaux seront reçues en Belgique et dans les Pays-Bas dans tous les bureaux de poste ou agences chargés du service de la Caisse d'épargne.

Les fonds transférés seront, notamment en ce qui concerne le taux et le calcul des intérêts, les conditions de remboursement, d'achat et de revente de rente, ou d'acquisition de carnets de rentes viagères, soumis aux lois, decrets, arrêtés et règlements régissant le service de l'administration dans la Caisse de laquelle ces fonds auront été transférés.

Art. 2. Les titulaires de livrets de la Caisse générale d'épargne et de retraite de Belgique ou de la Caisse d'épargne postale des Pays-Bas, pourront obtenir, sans frais, le remboursement, dans l'un de ces pays, des sommes déposées par eux à la Caisse d'épargne de l'autre pays.

Les demandes de remboursements internationaux rédigées sur des formules spéciales mises à la disposition du public, seront déposées par les intéressés entre les mains du chef du bureau ou du directeur des postes de leur résidence, qui les fera parvenir, en franchise de port, à la Caisse d'épargne détentrice des fonds.

Les remboursements seront effectués en vertu d'ordres de payement qui seront payables seulement dans les établissements de poste ou autres chargés du service de la Caisse d'épargne. Ils seront adressés directement et en franchise de port, par la Caisse d'épargne qui les aura délivrés, aux bureaux désignés pour le payement.

Art. 3. Chaque administration se réserve le droit de rejeter les demandes de transferts ou de remboursements internationaux qui ne rempliraient pas les conditions exigées par ses règlements intérieurs.

Art. 4. Les sommes transférées d'une Caisse dans l'autre porteront intérêt, à charge de l'administration primitivement détentrice des fonds, jusqu'à la fin du mois pendant lequel la demande se sera produite, et à charge de l'administration qui acceptera le transfert, à partir du premier jour du mois suivant.

Art. 5. Il sera établi, par la Caisse générale d'épargne et de retraite de Belgique et par la Caisse d'épargne postale des Pays-Bas, aux époques qui seront fixées par les deux administrations, un décompte des sommes qu'elles se devront respectivement du chef des opérations faites pour le service de la Caisse d'épargne, et, après vérification contradictoire de ces décomptes, la Caisse reconnue débitrice se libérera, dans le plus bref délai possible, envers l'autre Caisse, au moyen de traites ou de chèques sur Bruxelles ou sur Amsterdam, libellés dans la monnaie du pays de destination.

Art. 6. La Caisse d'épargne de chacun des pays contractants pourra correspondre directement et en franchise, par la voie postale, avec la Caisse de l'autre pays.

Art. 7. Les bureaux de poste des deux pays se prêteront réciproquement concours pour le retrait des livrets à régler ou à vérifier. || L'échange des livrets entre la Caisse d'épargne de chaque pays et les bureaux de poste ou agences de l'autre pays aura lieu en franchise.

Art. 8. La Caisse générale d'épargne et de retraite de Belgique et la Caisse d'épargne postale des Pays-Bas arrêteront, d'un commun accord, les taux de conversion des monnaies applicables aux différentes opérations et, après entente avec les administrations des postes des deux pays, les mesures de détail et d'ordre nécessaires pour l'exécution de la présente Convention.

Art. 9. Chaque partie contractante se réserve la faculté, dans le cas de force majeure ou de circonstances graves, de suspendre en tout ou en partie, les effets de la présente Convention. || Avis devra en être donné à l'administration correspondante par la voie diplomatique. || L'avis fixera la date à partir de laquelle le service international cessera de fonctionner.

Art. 10. La présente Convention aura force et valeur à partir du jour dont les Caisses d'épargne des deux pays conviendront, dès que la promulgation en aura été faite d'après les lois particulières à chacun des deux États et elle demeurera obligatoire jusqu'à ce que l'une des deux parties contractantes ait annoncé à l'autre, six mois au moins à l'avance, son intention d'en faire cesser les effets. || Pendant les six derniers mois, la Convention continuera d'avoir son exécution pleine et entière, sans préjudice de la liquidation et du solde des comptes entre les Caisses d'épargne des deux pays, après l'expiration du dit terme. || En foi de quoi les soussignés, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté le Roi des Belges à La Haye et Ministre des Affaires Etrangères de Sa Majesté la Reine des Pays-Bas, dûment autorisés, ont signé la présente Convention et y ont apposé le sceau de leurs armes.

Fait à La Haye, en double original, le huit novembre mil neuf cent deux.

(L.-S.) Comte de Grelle-Rogier. (L.-S.) Baron Melvil de Lynden.

La Convention qui précède entrera en vigueur le 1er juillet 1903.

Certifié par le Secrétaire général
du Ministère des Affaires étrangères.
Bon Lambermont.

Nr. 13320. GRIECHENLAND und RUMÄNIEN. — Freundschafts- und Handelsvertrag.

Bukarest, 19. Dezember 1900.

Sa Majesté le Roi des Hellènes et Sa Majesté le Roi de Roumanie, animés du même désir de consolider Leurs liens d'amitié et de développer les rapports commerciaux entre Leurs Pays, ont résolu de conclure dès à présent une convention à cet effet et ont nommé pour Leurs plénipotentiaires: || Sa Majesté le Roi des Hellènes, Monsieur Georges A. Argyropoulos, Commandeur de l'Ordre Royal du Sauveur, Grand Cordon du Médjidié, Grand Croix du Mérite Civil de Bulgarie etc, Son Envoyé Extraordinaire et Ministre Plénipotentiaire auprès de Sa Majesté le Roi de Roumanie, || Sa Majesté le Roi de Roumanie, Monsieur Alexandre Marghiloman, Grand Officier de Son Ordre l'Étoile de Roumanie, Grand Cordon de l'Osmanié avec brillants, Grand' Croix de la Couronne de Fer etc., Son Ministre,

Secrétaire d'État au Département des Affaires Étrangères, || Lesquels, après s'être communiqué leurs pleinspouvoirs respectifs trouvés en bonne et due forme, sont convenus de ce qui suit:

Article I.

Les nationaux, les navires et les marchandises de chacun des deux Pays, jouiront, sur le territoire de l'autre, du traitement de la nation la plus favorisée pour l'importation, l'exportation, le transit et, en général, tout ce qui concerne les opérations commerciales et maritimes, l'exercice du commerce et de l'industrie, le paiement des taxes et autres impôts et la protection de la propriété industrielle.

Article II.

Les dispositions de l'article précédent sur le traitement de la nation la plus favorisée ne se refèrent point: || En Roumanie aux faveurs qui sont accordées par des stipulations spéciales et additionnelles, à un État limitrophe et aux réductions ou exemptions de droits dont l'application est restreinte à certaines frontières, ou aux habitants de certains districts pour faciliter le commerce de frontière.

Article III.

La présente Convention entrera en vigueur immédiatement après l'échange des ratifications et demeurera exécutoire jusqu'à l'expiration d'un délai de neuf mois à partir du jour où l'une des Parties contractantes aura notifié son intention d'en faire cesser les effets. || Néanmoins les deux Parties contractantes prennent l'engagement de ne pas user de cette faculté de dénonciation avant le 1/14 Avril 1903.

Article IV.

La présente Convention, ainsi que les annexes qui l'accompagnent, seront soumises, dans le plus bref délai, à l'approbation des parlements Grec et Roumain et les ratifications seront échangées à Bucarest, dès que les formalités prescrites par les lois constitutionnelles des États contractants auront été accomplies. || En foi de quoi les plénipotentiaires respectifs ont signé la présente Convention et y ont apposé leurs cachets. || Fait en double exemplaire, à Bucarest, le 19 Décembre 1900 (v. s.).

(signés) G. A. Argyropoulos, A. Marghiloman.
(L. S.) (L. S.)

Protocole

En procédant à la signature de la Convention de commerce sous la date de ce jour entre la Grèce et la Roumanie, les soussignés plénipotentiaires des deux Puissances sont convenus de ce qui suit: || Les églises helléniques comprises dans la liste annexée au présent Protocole et qui fonctionnent actuellement en Roumanie d'après leurs propres actes de fondation, seront considérées définitivement comme personnes morales (juridiques) et continueront à fonctionner, ainsi que les écoles qui en dépendent, en se conformant aux lois et règlements du Royaume de Roumanie. || Toutefois, elles ne pourront à l'avenir acquérir d'autres biens qu'en se conformant aux lois et règlements du Royaume de Roumanie. || Elles ne pourront acquérir des immeubles ruraux. || En foi de quoi les Plénipotentiaires respectifs ont dressé et signé le présent protocole, et y ont apposé leurs cachets. || Fait en double exemplaire à Bucarest, le 19 Décembre 1900 (v. s.).

(signés) G. A. Argyropoulos, (L. S.) A. Marghiloman. (L. S.)

Liste

des églises helléniques en Roumanie auxquelles est reconnue la personnalité juridique par la loi qui approuve la Convention de commerce conclue à la date de ce jour entre la Grèce et la Roumanie, avec indication des écoles qui dépendant de ces églises et des biens qui leur appartiennent: || I. Église de l'Annonciation (Evanghélismos) à Braïla. || Cette église possède: || 1) Un terrain situé Strada Mare. || 2) Un autre terrain situé Strada Misitilor. || 3) Un troisième terrain situé Strada Pietrei. || 4) Une maison sise Strada Pietrei. || Une école de garçons et une autre de jeunes filles. || II. Église de la Transfiguration (Métamorphosis) à Galatzi. || Cette église possède: || 1) Un immeuble urbain bâti sur le terrain même de l'église (Strada Foti, N° 2) et servant d'école de garçons. || 2) Un autre immeuble (Strada Foti, N° 8) et servant d'école de jeunes filles. || 3) Un grand immeuble bâti, strada Domneasca, N° 60. || 4) Une maison sise strada Zinelor, N° 3. || III. Église Zoodochos Pigi (Isvorul Tamaduirei) à Calafat. || Cette église possède: || Un immeuble urbain sis strada Radu Negru N° 256 et strada Unirea N° 258, et qui sert d'école. || IV. Église de Saint Nicolas (Aghios Nicolaos) in Mangalia. || V. Église de la Transfiguration (Métamorphosis) à Constantza. || Cette église possède: || 1) Un immeuble urbain bâti sur le terrain même de l'église. || 2) Un autre immeuble sis strada Mircea cel Mare, et servant d'école de garçons. || 3) Un troisième immeuble

sis strada Mircea cel Mare et servant d'école de jeunes filles. || VI. Église de l'Annonciation (Evanghélismos) à Tulcea. || Cette église possède: || 1) Un immeuble urbain séparé en deux et servant d'école de garçons d'un côté et d'école de jeunes filles de l'autre, sis sur les rues Buna-Vestire Fontanei et Mircea Voda. || 1) Une maison à deux étages sise au coin des rues Romana, N° 3 et Mintea, N° 12. || 3) Trois magasins sis strada Cojocarilor N° 1, 2 et 3. || 4) Une petite maison sise strada Sfintu Nicolae, N° 47. || 5) Une petite maison sise strada Smardan. || 6) Un petit terrain sis strada Egalitatea, N° 21. || VII. Église Saint Nicolas (Aghios Nicolaos) à Sulina. || Cette église possède: || 1) Un immeuble bâti sur le terrain même de l'église et servant d'école de garçons (strada Sfintu Nicolae, N° 2) et d'école de jeunes filles (strada Victoriei, N° 86). || 2) Deux magasins sis strada Elisabetha Domna, N°s 158 et 159. || VIII. Église de l'Annonciation (Evanghélismos) à Giurgiu. || Cette église possède: || 1) Un immeuble urbain sis strada Scolei. || 2) Une petite maison sise dans la cour de l'immeuble ci-dessus. || 3) Un terrain avec trois magasins sis strada Oinac. || 4) Deux maisons sises à Alexandria (district de Teleorman) avec leurs cours et dépendances. Une école de garçons et une de jeunes filles.

Fait en double exemplaire à Bucarest, le 19 Décembre 1900 (v. s.).

(signés) G. A. Argyropoulos, A. Marghiloman.
(L. S.) (L. S.)

Nr. 13321. ITALIEN und URUGUAY. — Postvertrag.

Rom, 14. Mai 1901.

Allo scopo di risolvere amichevolmente le differenze sorte per l'interpretazione di alcune disposizioni della Convenzione principale dell'Unione universale delle Poste, circa la liquidazione dei diritti di transito delle corrispondenze scambiate tra l'Italia e l'Uruguay, e stabilire delle norme che evitino in avvenire nuove contestazioni, || fra il Governo italiano rappresentato da S. E. l'on. Giulio Prinetti, Ministro degli Affari Esteri di S. M. il Re d'Italia, ed il Governo dell'Uruguay, rappresentato da S. E. Daniele Muñoz, Ministro della Repubblica dell'Uruguay presso S. M. il Re d'Italia, valendosi della facoltà concessa dall'articolo 21 della Convenzione principale dell'Unione universale delle Poste, conclusa a Washington il 15 giugno 1897, si è stipulato il presente accordo:

Art. 1.

Il Ministero delle Poste italiane rinuncia a percepire dalla Direzione Generale delle Poste e Telegrafi dell'Uruguay dei diritti di transito marittimo per le valigie e corrispondenze singole spedite dall'Uruguay, con

vapori italiani, dall'anno 1887 fino alla scadenza della presente Convenzione.

Art. 2.

Il Ministero delle Poste italiane rinuncia ugualmente ad ogni diritto di transito territoriale sulle valigie e corrispondenze singole provenienti dall'Uruguay e mandate a destinazione per mezzo delle Poste italiane, dall'anno 1887 fino all scadenza della presente Convenzione, restando riconosciuti i diritti percepiti dall'Amministrazione italiana per il trasporto di dette corrispondenze attraverso altri territorî stranieri.

Art. 3.

La Direzione Generale delle Poste e Telegrafi dell'Uruguay rinuncia, dal canto suo, per lo stesso periodo stabilito negli articoli precedenti, a percepire dalle Poste italiane dei diritti di transito territoriale, tanto terrestre che fluviale, per le valigie e corrispondenze singole provenienti dall'Italia e dirette alla Repubblica Argentina, Paraguay, Bolivia, Chilì ed altri paesi per i quali la Posta uruguayana possa servire di tramite.

Art. 4.

Il Governo della Repubblica Orientale dell'Uruguay si obbliga a mantenere ai vapori italiani, mentre è in vigore la presente Convenzione, i vantaggi e privilegî postali di cui godono attualmente, alla condizione che siano muniti di medico e di elementi permanenti di disinfezione tutti quei vapori che trasportino sessanta o più persone, fra passeggieri ed equipaggio. Ugualmente si obbliga il Governo dell'Uruguay a concedere ai vapori italiani tutte le ulteriori e più ampie facilitazioni che fossero accordate ai vapori transatlantici stranieri, durante il periodo di tempo per il quale resta in vigore la presente Convenzione.

Art. 5.

La presente Convenzione avrà tutti i suoi effetti dalla data dello scambio delle ratifiche rispettive e starà in vigore per un tempo indeterminato; tuttavia ognuna delle parti potrà denunciarla mediante avviso dato all'altra parte con un anno di anticipazione.

In fede di che, i plenipotenziari hanno firmato la presente Convenzione e vi hanno apposto i loro sigilli.

Fatto in Roma, in doppio originale, nel testo italiano e spagnuolo, il quattordici maggio dell'anno mille novecento uno.

(L. S.) Giulio Prinetti. (L. S.) Daniel Munoz.

Nr. 13322. **BELGIEN und VENEZUELA.** — Schiedsgerichtsvertrag über Forderungen belgischer Untertanen an Venezuela. (Vgl. Bd. 68).

Washington, 13. Februar 1903.

Sa Majesté le Roi des Belges et le Président de la République de Vénézuéla ayant jugé utile de conclure le protocole mentionné plus haut, ont nommé à cette fin comme Leurs Plénipotentiaires: || Sa Majesté le Roi des Belges: || Le Baron Moncheur, || Le Président de Vénézuéla: || Herbert W. Bowen, || Lesquels, après s'être communiqué leurs pleins pouvoirs trouvés en bonne et due forme, sont tombés d'accord sur les termes du Protocole ci-après et y ont apposé leur signature:

Art. 1er. Toutes les réclamations belges contre la République de Vénézuéla qui n'ont pas été réglées par arrangement diplomatique ou par arbitrage entre les deux Gouvernements et qui auront été présentées à la commission ci-après par le Gouvernement belge ou par la Légation de Belgique à Caracas, seront examinées et réglées par une commission mixte siégeant à Caracas et qui se composera de deux membres, l'un nommé par Sa Majesté le Roi des Belges, l'autre par Son Excellence le Président du Vénézuéla. || Il est convenu qu'un surarbitre pourra être désigné par Sa Majesté la Reine des Pays-Bas. || Si l'un des deux commissaires ou le surarbitre venait à se trouver empêché de remplir ses fonctions ou résignait, son successeur serait nommé immédiatement de la même manière qu'il l'avait été. Lesdits commissaires et le surarbitre devront être nommés avant le 1er mai 1903. || Les commissaires et le surarbitre se réuniront dans la ville de Caracas le 1er juin 1903. Le surarbitre présidera leurs délibérations et aura compétence pour trancher toute question sur laquelle les commissaires se trouveraient en désaccord. || Avant d'entrer en fonctions, les commissaires et le surarbitre prêteront solennellement serment d'examiner avec soin et de régler avec impartialité suivant la justice et les stipulations de la présente Convention toutes les réclamations qui leur seront soumises, et la prestation de ces serments sera consignée dans les procès-verbaux de leurs travaux. Les commissaires, ou, dans le cas où ils se trouveraient en désaccord, le surarbitre trancheront toutes les réclamations sur la base de l'équité absolue, sans égard pour les objections d'une nature technique ni pour les dispositions de la l'égislation locale. || Les décisions de la commission et, dans le cas où elle n'arriverait pas à une entente, celles du surarbitre seront définitives et irrévocables. Elles seront formulées par écrit. || Toutes les attributions d'indemnité seront payables en monnaie d'or ayant cours légal en Belgique ou son équivalent en argent.

Art. 2. Les commissaires ou le surarbitre, selon les cas, examineront et régleront lesdites réclamations exclusivement d'après les preuves ou renseignements fournis par les Gouvernements respectifs ou en leur nom. Ils seront tenus de recevoir et d'examiner tous documents ou déclarations écrits qui leur seront présentés par les Gouvernements respectifs ou en leur nom, à l'appui ou en réponse à toute réclamation, et d'entendre toute démonstration orale ou écrite faite par l'Agent de chaque Gouvernement pour chaque réclamation. || Au cas où ils ne s'entendraient pas sur telle ou telle réclamation, le surarbitre décidera. || Chaque réclamation sera officiellement présentée aux commissaires dans un délai de trente jours à partir du jour de leur première réunion, à moins que les commissaires ou le surarbitre n'étendent pour quelqu'une d'elles le délai de présentation de la réclamation. Ce nouveau délai ne pourra dépasser trois mois. || Les commissaires seront tenus d'examiner et de régler chaque réclamation dans un délai de six mois à partir du jour de sa première présentation officielle et au cas où ils ne seraient pas d'accord, le surarbitre examinera et tranchera dans un délai égal à partir de la date où le désaccord aura été constaté.

Art. 3. Les commissaires et le surarbitre tiendront des procés-verbaux exacts de leurs travaux. A cet effet, chaque commissaire désignera un secrétaire versé dans la langue des deux pays, et chargé de l'assister dans les travaux de la commission. Les règles ci-indiquées mises à part, toutes les questions de procédure seront laissées à la décision de la commission ou, en cas de désaccord, à celle du surarbitre.

Art. 4. Les commissaires et le surarbitre recevront pour leurs services et dépenses une compensation pécuniaire raisonnable qui sera, de même que les autres dépenses dudit arbitrage, payable par moitié par les Parties contractantes.

Art. 5. Afin de pouvoir payer le montant total des réclamations qui doivent être réglées comme il est dit plus haut, et celui des autres réclamations de citoyens ou sujets d'autres nations, le Gouvernement de Vénézuéla, à partir du 1er mars 1903, mettra de côté à cet effet par versements mensuels et n'affectera à aucun autre objet, trente pour cent sur les revenus des douanes de La Guayra et Puerto Cabello, et les sommes ainsi mises à part seront partagées et distribuées conformément à la décision du Tribunal de La Haye. || Au cas où l'arrangement ci-dessus viendrait à n'être pas exécuté, des fonctionnaires belges seront chargés des douanes des deux ports et les administreront jusqu'à ce que le Gouvernement vénézuélien ait rempli les engagements résultant pour lui des réclamations susdites. ||

Le renvoi au Tribunal de La Haye de la question susindiquée fera l'objet d'un protocole séparé.

Art. 6. Toutes les dettes déjà reconnues en faveur de la Belgique et non encore entièrement payées seront promptement soldées conformément aux termes de chaque décision ou conformément à tout nouvel arrangement que le Gouvernement de Vénézuéla pourrait faire en vertu de l'article 6 du Protocole signé le 13 février 1903 entre M. Herbert W. Bowen et Sir Michael H. Herbert.

Fait à Washington, D. C., le septième jour de mars 1903,

(Signé) Bon Moncheur. (Signé) Herbert W. Bowen.

Nr. 13323. MITTEL- und SÜDAMERIKANISCHE STAATEN. — Schiedsgerichtsvertrag.

Mexiko, 29. Januar 1903.

Los infrascritos, Delegados á la Segunda Conferencia Internacional Americana por la República Argentina, Bolivia, República Dominicana, Guatemala, El Salvador, México, Paraguay, Perú y Uruguay, reunidos en la Ciudad de México, y debidamente autorizados por sus respectivos Gobiernos, han convenido en los siguientes artículos:

Artículo 1°.

Las Altas Partes Contratantes se obligan á someter á la decisión de árbitros, todas las controversias que existen ó lleguen á existir entre ellas y que no puedan resolverse por la vía diplomática, siempre que á juicio exclusivo de alguna de las Naciones interesadas, dichas controversias no afecten ni la independencia ni el honor nacional.

Artículo 2°.

No se considerarán comprometidos ni la independencia ni el honor nacionales en las controversias sobre privilegios diplomáticos, límites, derechos de navegación, y validez, inteligencia y cumplimiento de tratados.

Artículo 3°.

En virtud de la facultad que reconoce el artículo veintiséis de la Convención para el arreglo pacífico de los conflictos internacionales firmada en La Haya en 29 de Julio de mil ochocientos noventa y nueve, las Altas Partes Contratantes convienen en someter á la decisión de la Corte Permanente de Arbitraje que dicha Convención establece, todas las controversias á que se refiere el presente Tratado, á menos que alguna

de las Partes prefiera que se organice una jurisdicción especial. || En caso de someterse á la Corte Permanente de La Haya, las Altas Partes Contratantes aceptan los preceptos de la referida Convención, tanto en lo relativo á la organización del Tribunal Arbitral, como respecto á los procedimientos á que éste haya de sujetarse.

Artículo 4°.

Siempre que por cualquier motivo deba organizarse una jurisdicción especial, ya sea porque así lo quiera alguna de las Partes, ya porque no llegue á abrirse á ellas la Corte Permanente de Arbitraje de La Haya, se establecerá, al firmarse el compromiso, el procedimiento que se haya de se guir. El Tribunal determinará la fecha y lugar de sus sesiones, el idioma de que haya de hacerse uso, y estará en todo evento investido de la facultad de resolver todas las cuestiones relativas á su propia jurisdicción y aun las que se refieren al procedimiento en los puntos no previstos en el compromiso.

Artículo 5°.

Si al organizarse la jurisdicción especial no hubiere conformidad de las Altas Partes Contratantes para designar el árbitro, el Tribunal se compondrá de tres Jueces. Cada Estado nombrará un árbitro y éstos designarán el tercero. Si no pue den ponerse de acuerdo sobre esta designación, la hará el Jefe de un tercer Estado, que indicarán los árbitros nombrados por las Partes. No poniéndose de acuerdo para este último nombramiento, cada una de las Partes designará una Potencia diferente, y la elección del tercero será hecha por las dos Potencias así designadas.

Artículo 6°.

Las Altas Partes Contratantes estipulan que en caso de disentimiento grave, ó de conflicto entre dos ó más de ellas, que haga inminente la guerra, se recurra, en tanto que las circunstancias lo permitan, á los buenos oficios ó á la mediació de una ó más de las Potencias amigas.

Artículo 7°.

Independientemente de este recurso, las Altas Partes Contratantes juzgan útil que una ó más Potencias extrañas al conflicto, ofrezcan espontáneamente, en tanto que las circunstancias se presten á ello, sus buenos oficios ó su mediación á los Estados en conflicto. || El derecho de ofrecer los buenos oficios ó la mediación, pertenece á las Potencias extrañas al conflicto, aun durante el curso de las hostilidades. || El ejercicio de este derecho no podrá considerarse jamás por una ó por otra de las Partes contendientes como un acto poco amistoso.

Artículo 8°.

El oficio de mediador consiste en conciliar las pretensiones opuestas y en apaciguar los resentimientos que puedan haberse producido entre las Naciones en conflicto.

Artículo 9°.

Las funciones el mediador cesan desde el momento en que se ha comprobado, ya por una de las Partes contendientes, ya por el mediador mismo, que los medios de conciliación propuestos por éste, no son aceptados.

Artículo 10.

Los buenos oficios y la mediación, ya que á ellos se recurra por las Partes en conflicto ó por iniciativa de las Potencias extrañas á él, no tienen otro carácter que el de consejo y nunca el de fuerza obligatoria.

Artículo 11.

La aceptación de la mediación no puede producir el efecto, salvo convenio en contrario, de interrumpir, retardar ó embarazar la movilización ú otras medidas preparatorias de la guerra. Si la mediación tuviere lugar, rotas ya las hostilidades, no se interrumpe por ello, salvo pacto en contrario, el curso de las operaciones militares.

Artículo 12.

En los casos de diferencias graves que amenacen comprometer la paz, y siempre que las Potencias interesadas no puedan ponerse de acuerdo para escoger ó aceptar como mediadora á una Potencia amiga, se recomienda á los Estados en cenflicto la elección de una Potencia, á la cual confíen, respectivamente, el encargo de entrar en relación directa con la Potencia escogida por la otra Nación interesada, con el objeto de evitar la ruptura de las relaciones pacíficas. || Mientras dura este mandato, cuyo término, salvo estipulación en contrario, no puede exceder de treinta días, los Estados contendientes cesarán toda relación directa con motivo del conflicto, el cual se considerará como exclusivamente deferido á las Potencias mediadoras. || Si esas Potencias amigas no lograren proponer, de común acuerdo, una solución que fuere aceptable por las que se hallen en conflicto, designarán á una tercera, á la cual quedará confiada la mediación. || Esta tercera Potencia, caso de ruptura efectiva de las relaciones pacífisas, tendrá en todo tiempo el encargo de aprovechar cualquiera ocasión para procurar el restablecimiento de la paz.

Artículo 13.

En las controversias de carácter internacional provenientes de divergencia de apreciacióu de hechos, las Repúblicas signatarias juzgan útil que las Partes que no hayan podido ponerse de acuerdo por la vía diplomática, instituyan, en tanto que las circunstancias lo permitan, una Comisión Internacional de Investigación encargada de facilitar la solución de esos litigios, esclareciendo por medio de un examen imparcial y concienzudo las cuestiones de hecho.

Artículo 14.

Las Comisiones Internacionales de Investigación se constituyen por convenio especial de las Partes en litigio. El convenio precisará los hechos que han de ser materia de examen, así como la extensión de los poderes de los Comisionados, y arreglará el procedimiento á que deben éstos sujetarse. La investigación se llevará á término contradictoriamente; y la forma y los plazos que deben en ella observarse, si no se fijaren en el convenio, serán determinados por la Comisión misma.

Artículo 15.

Las Comisiones Internacionales de Investigación se constituirán, salvo estipulación en contrario, de la misma manera que el Tribunal de Arbitraje.

Artículo 16.

Es obligación de las Potencias en litigio, ministrar, en la más amplia medida que juzguen posible, á la Comisión Internacional de Investigación, todos los medios y facilidades necesarios para el conocimiento completo y la exacta apreciación de los hechos controvertidos.

Artículo 17.

Las Comisiones mencionadas se limitarán á averiguar la verdad de los hechos, sin emitir más apreciaciones que las meramente técnicas.

Artículo 18.

La Comisión Internacional de Investigación presentará á las Potencias que la hayan constituido, su informe firmado por todos los miembros de la Comisión. Este informe, limitado á la investigación de los hechos, no tiene en lo absoluto el carácter de sentencia arbitral, y deja á las Partes contendientes en entera libertad de darle el valor que estimen justo.

Artículo 19.

La constitución de Comisiones de Investigación podrá incluirse en los compromisos de arbitraje, como procedimiento previo, á fin de fijar los hechos que han de ser materia del juicio.

Artículo 20.

El presente Tratado no deroga los anteriores existentes entre dos ó más de las Partes Contratantes, en cuanto den mayor extensión al Arbitra je obligatorio. Tampoco altera las estipulaciones sobre arbitraje relativas á cuestiones determina das que han surgido ya, ni el curso de los juicios arbitrales que se siguen con motivo de éstas.

Artículo 21.

Sin necesidad de canje de ratificaciones, este Tratado estará en vigor desde que tres Estados, por lo menos, de los que lo subscriben, manifiesten su aprobación al Gobierno de los Estados Unidos Mexicanos, el que lo comunicará á los demás Gobiernos.

Artículo 22.

Las Naciones que no subscriban el presente Tratado podrán adherirse á él en cualquier tiempo. Si alguna de las signatarias quisiere recobrar su libertad, denunciará el Tratado; mas la denuncia no producirá efecto sino únicamente respecto de la Nación que la efectuare, y sólo después de un año de formalizada la denuncia. Cuando la Nación denunciante tuviere pendientes algunas negociaciones de arbitraje á la expiración del año, la denuncia no surtirá sus efectos con relación al caso aún no resuelto.

Disposiciones Generales.

I. El presente Tratado será ratificado tan pronto como sea posible.

II. Las ratificaciones se enviarán al Ministerio de Relaciones Exteriores de México, donde quedarán depositadas.

III. El Gobierno Mexicano remitirá copia certificada de cada una de ellas á los demás Gobiernos Contratantes. || En fe de lo cual han firmado el presente Tratado y le han puesto sus respectivos sellos. || Hecho en la Ciudad de México el día veintinueve de Enero del año mil novecientos dos, en un solo ejemplar que quedará depositado en el Ministerio de Relaciones Exteriores de los Estados Unidos Mexicanos, del cual

se remitirá, por la vía diplomática, copia certificada á los Gobiernos Contratantes.

Por la República Argentina:
(L. S.) (firmado) Antonio Bermejo.
„ „ Lorenzo Anadon.

Por Bolivia:
(L. S.) (firmado) Fernando E. Guachalla.

Por la República Dominicana:
(L. S.) (firmado) Fed. Enríquez i Carvajal.

Por Guatemala:
(L. S.) (firmado) Francisco Orla.

Por el Salvador:
(L. S.) (firmado) Francisco A. Reyes.
„ „ Baltasar Estupinián.

Por México:
(L. S.) (firmado) G. Raigosa.
„ „ Joaquín D. Casasús.
„ „ Pablo Macedo.
„ „ E. Pardo (jr.).
„ „ Alfredo Chavero.
„ „ José López Portillo y Rojas.
„ „ F. L. de la Barra.
„ „ Rosendo Pineda.
„ „ M. Sánchez Mármol.

Por Paraguay:
(L. S.) (firmado) Cecilio Báez.

Por Perú:
(L. S.) (firmado) Manuel Alvarez Calderón.
„ „ Alberto Elmore.

Por Uruguay:
(L. S.) (firmado) Juan Cuestas.

Nr. 13324. **SPANIEN und COLUMBIA.** — Schiedsgerichtsvertrag.

Madrid, 17. Februar 1903.

El Enviado Extraordinario y Ministro Plenipotenciario de Su Majestad Católica en los Estados Unidos Méjicanos, y el General D. Rafael Reyes, Enviado Extraordinario y Ministro Plenipotenciario de la República

de Colombia en Francia y Suiza, debidámente autorizados por sus respectivos Gobiernos para celebrar *ad referendum* un Tratado de Arbitraje con el propósito de que ámbos Estados resuelvan pacíficamente toda cuestión que pudiera alterar las relaciones de buena amistad que felizmente existen entre ambas Naciones, han convenido en los siguientes artículos.

Artículo I.

Las Altas Partes contratantes se obligan á someter á juicio arbitral todas las cuestiones de cualquier naturaleza que por cualquier causa surgiesen entre ellas, en cuanto no afecten á los preceptos de la Constitución de uno ú otro País y siempre que no puedan ser resueltas por negociaciones directas.

Artículo II.

No pueden renovarse, en virtud de este Convenio, las cuestiones que hayan sido objeto de arreglos definitivos entre ambas Altas Partes. || En tal caso, el Arbitraje se limitará exclusivamente á las cuestiones que se susciten sobre validez, interpretación y cumplimiento de dichos arreglos.

Artículo III.

Para la decisión de las cuestiones que en cumplimiento de este Convenio se sometieren á Arbitraje, las funciones de Arbitro serán encomendadas con preferencia á un Jefe de Estado de una de las Repúblicas Hispano-Americanas ó á un Tribunal formado por Jueces y Peritos españoles, colombianos ó hispano-americanos. || En caso de no recaer acuerdo sobre la designación de Arbitros, las Altas Partes signatarias se sometarán al Tribunal Internacional permanente de Arbitraje establecido conforme á las resoluciones de la Conferencia de El Haya de 1899, sujetándose en éste y en el anterior caso á los procedimientos arbitrales especificados en el cap. III de dichas resoluciones.

Artículo IV.

El presente Convenio permanecerá en vigor durante diez años, contados desde la fecha del canje de sus ratificaciones. || En caso de que doce meses antes de cumplirse dicho término ninguna de las Altas Partes contratantes hubiere declarado su intención de hacer cesar los efectos del presente Convenio, continuará siendo éste obligatorio hasta un año después de que una ú otra de las Altas Partes signatarias lo hubieren denunciado.

Artículo V.

Este Convenio será sometido por los infrascritos á la aprobación de sus respectivos Gobiernos, y si mereciere su aprobación y fuere ratificado

según las leyes de uno y otro País, se canjearán las ratificaciones en la ciudad de Santa Fe de Bogotá en el término de un año. || En fe de lo cual, los Plenipotenciarios lo han firmado y sellado en Méjico á los diez y siete días del mes de Febrero de mil novecientos dos.

(L. S.) = El Marqués de Prat de Nantouillet.
(L. S.) = El Ms. Rafael Reyes.

Este Tratado ha sido debidamente ratificado, y las ratificaciones canjeadas, en Santa Fe de Bogotá el 24 de Enero de 1903.

Nr. 13325. SPANIEN und URUGUAY. — Schiedsgerichtsvertrag.

Mexiko, 28. Januar 1902.

El Enviado Extraordinario y Ministro Plenipotenciario de Su Majestad Católica y el Enviado Extraordinario y Ministro Plenipotenciario de la República Oriental del Uruguay en los Estados Unidos Mejicanos, debidamente autorizados por sus respectivos Gobiernos para celebrar un Tratado de Arbitraje con el propósito de que ambos Estados resuelvan pacíficamente toda cuestión que pudiera alterar las relaciones de buena amistad que felizmente existen entre ambas Naciones, han convenido en los siguientes artículos:

Artículo I.

Las A tas Partes contratantes se obligan á someter juicio arbitral todas las controversias de cualquier naturaleza que por cualquier causa surgieren entre ellas en cuanto no afecten á los preceptos de la Constitución de uno ú otro Pais, y siempre que no puedan ser resueltas por negociaciones directas.

Artículo II.

No pueden renovarse, en virtud de este Convenio, las cuestiones que hayan sido objeto de arreglos definitivo entre ambas Altas Partes. || En tal caso, el arbitraje se limitará exclusivamente á las cuestiones que se susciten sobre validez, interpretación y cumplimiento de dichos arreglos.

Artículo III.

Para la decisión de las cuestiones que en cumplimiento de este Convenio se sometieren á arbitraje, las funciones de árbitros serán encomendadas con preferencia á un Jefe de Estado de una de las Repúblicas hispano americanas ó á un Tribunal formado por Jueces y peritos españoles, uruguayos ó hispano americanos. || En caso de no recaer acuerdo sobre la designación de árbitros, las Altas Partes signatarias se someterán

al Tribunal internacional permanente de arbitraje, establecido conforme á las resoluciones de la Conferencia de El Haya de 1899, sujetándose en éste y en el anterior caso á los procedimientos arbitrales especificados en el cap. III de dichas resoluciones.

Artículo IV.

El presente Convenio permanecerá en vigor durante diez años, contados desde la fecha del canje de sus ratificaciones. || En caso de que, doce meses antes de cumplirse dicho término, ninguna de las Altas Partes contratantes hubiere declarado su intención de hacer cesar los efectos del presente Convenio, continuará éste siendo obligatorio hasta un año después de que una ú otra de las Altas Partes signatarias lo hubiere denunciado.

Artículo V.

Este Convenio será sometido por los infrascritos á la aprobación de sus respectivos Gobiernos, y, si mereciere su aprobación y fuese ratificado según las leyes de uno y otro país, se canjearán las ratificaciones en la ciudad de Montevideo, en el término de un año, contado desde la fecha.

En fe de lo cual, los Plenipotenciarios lo han firmado y sellado á los 28 días del mes de Enero de 1902.

(L. S.) = El Marqués de Prat de Nantouillet.
(L. S.) = Juan Cuestas.

Este Tratado ha sido debidamente ratificado, y las ratificaciones cambiadas en la ciudad de Montevideo el 21 de Noviembre de 1902.

Nr. 13326. **GROSSBRITANNIEN und BRASILIEN.** — Vertrag über Einsetzung eines Schiedsgerichts zur Grenzregulierung in Guiana.

London, November 6, 1901.

His Majesty the King of the United Kingdom of Great Britain and Ireland, Emperor of India, and the President of the United States of Brazil, being desirous to provide for an amicable settlement of the question which has arisen between their respective Governments concerning the boundary between the Colony of British Guiana and the United States of Brazil, have resolved to submit to arbitration the question involved, and, to the end of concluding a Treaty for that purpose, have appointed as their respective Plenipotentiaries: || His Majesty the King of the United Kingdom of Great Britain and Ireland, Emperor of India, the Most Honourable Henry Charles Keith Petty Fitz Maurice, Marquess of Lansdowne,

Earl Wycombe, Viscount Caln and Calnstone and Lord Wycombe, Baron of Chipping Wycombe, Baron Nairne, Earl of Kerry and Earl of Shelburne, Viscount Clanmaurice and Fitzmaurice, Baron of Kerry, Lixnaw and Dunkerron, a Peer of the United Kingdom of Great Britain and Ireland, a Member of His Britannic Majesty's Most Honourable Privy Council, Knight of the Most Noble Order of the Garter &c., &c., &c., His Majesty's Principal Secretary of State for Foreign Affairs; || And the President of the United States of Brazil, Senhor Joaquim Aurelio Nabuco de Araujo, Envoy Extraordinary and Minister Plenipotentiary of Brazil to His Britannic Majesty; || Who, having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following Articles: —

Article I.

His Majesty the King of the United Kingdom of Great Britain and Ireland, Emperor of India, and the President of the United States of Brazil, agree to invite His Majesty the King of Italy to decide as Arbitrator the question as to the abovementioned boundary.

Article II.

The territory in dispute between the Colony of British Guiana and the United States of Brazil shall be taken to be the territory lying between the Takutu and the Cotinga and a line drawn from the source of the Cotinga eastward following the watershed to a point near Mount Ayangcanna, thence in a southeasterly direction still following the general direction of the watershed as far as the hill called Annai, thence by the nearest tributary to the Rupununi, up that river to its source, and from that point crossing to the source of the Takutu.

Article III.

The Arbitrator shall be requested to investigate and ascertain the extent of the territory which, whether the whole or a part of the zone described in the preceding Article, may lawfully be claimed by either of the High Contracting Parties, and to determine the boundary-line between the Colony of British Guiana and the United States of Brazil.

Article IV.

In deciding the question submitted, the Arbitrator shall ascertain all facts which he deems necessary to a decision of the controversy, and shall be governed by such principles of international law as he shall determine to be applicable to the case.

Article V.

The printed Case of each of the two Parties, accompanied by the documents, the official correspondence, and other evidence on which each relies, shall be delivered in duplicate to the Arbitrator and to the Government of the other Party within a period not exceeding twelve months from the date of the exchange of the ratifications of this Treaty.

Article VI.

Within six months after the Cases shall have been delivered in the manner provided in the preceding Article, either Party may in like manner deliver in duplicate to the Arbitrator and to the Government of the other Party a Counter-Case and additional documents, correspondence, and evidence in reply to the Case, documents, correspondence, and evidence as presented by the other Party. || If in the Case or Counter-Case submitted to the Arbitrator either Party shall have specified or alluded to any report or document in its own exclusive possession, without annexing a copy, such Party shall be bound, if the other Party thinks proper to apply for it, to furnish that Party with a copy thereof, and either Party may call upon the other, through the Arbitrator, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance notice thereof within forty days after the delivery of the Case or Counter-Case, and the original or copy so requested shall be delivered as soon as may be within a period not exceeding forty days after the receipt of notice.

Article VII.

Within four months after the expiration of the time fixed for the delivery of the Counter-Case on both sides, each Party shall deliver in duplicate to the Arbitrator and to the Government of the other Party a printed Argument showing the points and referring to the evidence upon which each Government relies; and the Arbitrator may, if he desires any further elucidation with regard to any point in the Argument of either Party, require a further written or printed statement or argument upon it; but in such case the other Party shall be entitled to reply by means of a similar written or printed statement or argument.

Article VIII.

The Arbitrator may, for any cause deemed by him sufficient, extend the periods fixed by Articles V, VI, and VII, or any of them by the allowance of thirty days additional.

Article IX.

The High Contracting Parties agree to request that the decision of the Arbitrator may, if possible, be made within six months of the delivery of the Argument on both sides. || They further agree to request that the decision may be made in writing, dated, and signed, and that it may be in duplicate; one copy to be handed to the Representative of Great Britain for his Government, and the other copy to be handed to the Representative of the United States of Brazil for his Government.

Article X.

The High Contracting Parties engage to accept the decision pronounced by the Arbitrator as a full, perfect, and final settlement of the question referred to him.

Article XI.

The High Contracting Parties agree that the Indians and other persons living in any portion of the disputed territory, which may by the Award of the Arbitrator be assigned either to the Colony of British Guiana or to the United States of Brazil shall, within eighteen months of the date of the Award, have the option of removing into the territory of Brazil or of the Colony, as the case may be, themselves, their families, and their movable property, and of freely disposing of their immovable property, and the said High Contracting Parties reciprocally undertake to grant every facility for the exercise of such option.

Article XII.

Each Government shall provide for the expense of preparing and submitting its Case. Any expenses connected with the Arbitral proceedings shall be defrayed by the two Parties in equal moieties.

Article XIII.

The present Treaty, when duly ratified, shall come into force immediately after the exchange of ratifications, which shall take place in the City of Rio de Janeiro within four months from this date, or sooner if possibla. || In faith whereof we, the respective Plenipotentiaries, have signed this Treaty and have hereunto affixed our seals.

Done in duplicate at London, the 6th day of November, 1901.

(L. S.) Lansdowne.
(L. S.) Joaquim Nabuco.

Declaration.

The Plenipotentiaries on signing the foregoing Treaty declare, as part and complement of it and subject to the ratification of the same, that the High Contracting Parties adopt as the frontier between the Colony of British Guiana and the United States of Brazil the watershed-line between the Amazon basin and the basins of the Corentyne and the Essequibo from the source of the Corentyne to that of the Rupununi, or of the Takutu, or to a point between them according to the decision ot the Arbitrator.

(L. S.) Lansdowne.
(L. S.) Joaquim Nabuco.

Nr. 13327. **GROSSBRITANNIEN und SPANIEN.** — Schiedsgerichtsvertrag.

London, February 27, 1904.

The Government of His Britannic Majesty and the Government of His Catholic Majesty the King of Spain, signatories ot the Convention for the pacific settlement of international disputes concluded at The Hague on the 29th July, 1899; Taking into consideration that by Article XIX of that Convention the High Contracting Parties have reserved to themselves the right of concluding Agreements, with a view to referring to arbitration all questions which they shall consider possible to submit to such treatment, || Have authorized the Undersigned to conclude the following arrangement: —

Article I.

Differences which may arise of a legal nature, or relating to the interpretation of Treaties existing between the two Contracting Parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the Convention of the 29th July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honour of the two Contracting States, and do not concern the interests of third Parties.

Article II.

In each individual case the High Contracting Parties, before appealing to the Permanent Court of Arbitration, shall conclude a special Agreement defining clearly the matter in dispute, the scope of the powers of the Arbitrators, and the periods to be fixed for the formation of the Arbitral Tribunal and the several stages of the procedure.

Article III.

The present Agreement is concluded for a period of five years, dating from the day of signature.

Done in duplicate, at London, the 27th day of February, 1904.

(L. S.) Lansdowne.
(L. S.) Mandas.

Nr. 13328. **GROSSBRITANNIEN und VEREINIGTE STAATEN.** — Einrichtung einer Paketpost zwischen den Vereinigten Staaten und Hongkong.

Washington, November 21, 1903.

For the purpose of making better postal arrangements between Hong Kong and the United States of America, the Undersigned, Arthur Stewart Raikes, His Britannic Majesty's Chargé d'Affaires, and Henry C. Payne, Postmaster-General of the United States of America, by virtue of authority vested in them, have agreed upon the following Articles for the establishment of a Parcels-Post system of exchanges between Hong Kong and the United States: —

Article I.

The provisions of this Convention relate only to parcels of mail matter to be exchanged by the system herein provided for, and do not affect the arrangements now existing under the Universal Postal Union Convention, which will continue as heretofore; and all the Agreements hereinafter contained apply exclusively to mails exchanged under these Articles.

Article II.

1. There shall be admitted to the mails exchanged under this Convention, articles of merchandize and mail matter — except letters, post-cards, and written matter — of all kinds, that are admitted under any conditions to the domestic mails of the country of origin, except that no packet may exceed four pounds six ounces (or two kilograms) in weight, nor the following dimensions: Greatest length in any direction, three feet six inches; greatest length and girth combined, six feet; and must be so wrapped or enclosed as to permit their contents to be easily examined by postmasters and customs officers; and except that the following articles are prohibited admission to the mails exchanged under this Convention: — || Publications which violate the copyright laws of the country of destination; poisons, and explosive or inflammable substances; fatty

substances, liquids, and those which easily liquefy; confections and pastes; live or dead animals, except dead insects and reptiles when thoroughly dried; fruits and vegetables which easily decompose, and substances which exhale a bad odour; lottery tickets, lottery advertisements, or lottery circulars; all obscene or immoral articles; articles which may in any way damage or destroy the mails, or injure the persons handling them. || 2. All admissible articles of merchandize mailed in one country for the other, or received in one country from the other, shall be free from any detention or inspection whatever, except such as is required for collection of customs duties; and shall be forwarded by the most speedy means to their destination, being subject in their transmission to the laws and regulations of each country, respectively.

Article III.

1. A letter or communication of the nature of personal correspondence must not accompany, be written on, or enclosed with any parcel. || 2. If such be found, the letter will be placed in the mails if separable, and if the communication be inseparably attached, the whole package will be rejected. If, however, any such should inadvertently be forwarded, the country of destination will collect on the letter or letters double rates of postage according to the Universal Postal Union Convention. || 3. No parcel may contain packages intended for delivery at an address other than that borne by the parcel itself. If such enclosed packages be detected, they must be sent forward singly charged with new and distinct Parcels-Post rates.

Article IV.

1. The following rates of postage shall in all cases be required to be *fully prepaid* with postage stamps of the country of origin, viz.: — 2. In Hong Kong, for a parcel not exceeding one pound in weight, thirty-five cents; and for each additional pound, or fraction of a pound, thirty-five cents. || 3. In the United States, for a parcel not exceeding one pound in weight, twelve cents; and for each additional pound, or fraction of a pound, twelve cents. || 4. The parcels shall be promptly delivered to addressees at the post offices of address in the country of destination, free of charge for postage; but the country of destination may, at its option, levy and collect from the addressee for interior service and delivery a charge the amount of which is to be fixed according to its own regulations, but which shall in no case exceed fifteen cents in Hong Kong, or five cents in the United States, for each parcel, whatever its weight.

Article V.

1. The sender will, at the time of mailing the package, receive a Certificate of Mailing from the Post Office where the package is mailed on a form like Form 1 annexed hereto. || 2. The sender of a package may have the same registered in accordance with the regulations of the country of origin. || 3. An acknowledgment of the delivery of a registered article shall be returned to the sender when requested; but either country may require of the sender prepayment of a fee therefore not exceeding fifteen cents in Hong Kong or five cents in the United States. || 4. The addressees of registered articles shall be advised of the arrival of a package addressed to them, by a notice from the Post Office at destination.

Article VI.

1. The sender of each parcel shall make a Customs Declaration, pasted upon or attached to the package, upon a special Form provided for the purpose (see Form 2 annexed hereto) giving a general description of the parcel, an accurate statement of its contents and value, date of mailing, and the senders's signature and place of residence, and place of address. || 2. The parcels in question shall be subject in the country of destination to all customs duties and all customs regulations in force in that country for the protection of its customs revenues; and the customs duties properly chargeable thereon shall be collected on delivery, in accordance with the customs regulations of the country of destination; but neither sender nor addressee shall be subject to the payment of any charge for fines or penalties on account of failure to comply with any customs regulation.

Article VII.

Each country shall retain to its own use the whole of the postages, registration and delivery fees it collects on said parcels; consequently, this Convention will give rise to no separate accounts between the two countries.

Article VIII.

1. The parcels shall be considered as a component part of the mails exchanged *direct* between Hong Kong and the United States, to be dispatched to destination by the country of origin at its cost and by such means as it provides; but must be forwarded, at the option of the dispatching office, either in boxes prepared expressly for the purpose or in ordinary mail sacks, marked „Parcels-Post", and securely sealed with wax, or otherwise, as may be mutually provided by regulations hereunder. || 2. Each country shall promptly return *empty* to the dispatching office

by next mail, all such bags and boxes. || 2. Although articles admitted under this Convention will be transmitted as aforesaid between the exchange offices, they should be so carefully packed as to be safely transmitted in the open mails of either country, both in going to the exchange office in the country of origin and to the office of address in the country of destination. || 4. Each dispatch of a Parcels-Post mail must be accompanied by a descriptive list, in duplicate, of all the parcels sent, showing distinctly the list number of each parcel, the name of the sender, the name of the addressee with address of destination, and the declared contents and value; and must be enclosed in one of the boxes or sacks of such dispatch (see Form 3 annexed hereto).

Article IX.

Exchanges of mails under this Convention from any place in either country to any place in the other, shall be effected through the post offices of both countries already designated as exchange post offices, or through such others as may be hereafter agreed upon; under such regulations relative to the details of the exchange as may be mutually determined to be essential to the security and expedition of the mails and the protection of the customs revenues.

Article X.

1. As soon as the mail shall have reached the office of destination, that office shall check the contents of the mail. || 2. In the event of the parcel bill not having been received, a substitute should be at once prepared. || 3. Any errors in the entries on the parcel bill which may be discovered, should, after verification by a second officer, be corrected and noted for report to the dispatching office on a form „Verification Certificate", which should be sent in a special envelope. || 4. If a parcel advised on the bill be not received, after the non-receipt has been verified by a second officer, the entry on the bill should be cancelled and the fact reported at once. || 5. If a parcel be observed to be insufficiently prepaid, it must not be taxed with deficient postage, but the circumstance must be reported on the verification certificate form. || 6. Should a parcel be received in a damaged or imperfect condition, full particulars should be reported on the same form. || 7. If no verification certificate or note of error be received, a parcel mail shall be considered as duly delivered, having been found on examination correct in all respects.

Article XI.

1. If a parcel cannot be delivered as addressed, or is refused, it must be returned without charge, directly to the dispatching office of exchange,

at the expiration of thirty days from its receipt at the office of desti nation; and the country of origin may collect from the sender for the return of the parcel, a sum equal to the postage when first mailed. || 2. When the contents of a parcel which cannot be delivered are liable to deterioration or corruption, they may be destroyed at once, if necessary, or if expedient, sold, without previous notice or judicial formality, for the benefit of the right person; the particulars of each sale being noticed by one post office to the other. || 3. An order for re-direction or re-forwarding must be accompanied by the amount due for postage necessary for the return of the article to the office of origin, at the ordinary parcel rates.

Article XII.

The Post Office Department of either of the contracting countries will not be responsible for the loss or damage of any parcel, and no indemnity can consequently be claimed by the sender or addressee in either country.

Article XIII.

The Postmaster-General of Hong Kong, and the Postmaster-General of the United States of America, shall have authority to jointly make such further regulations of order and detail as may be found necessary to carry out the present Convention from time to time; and may, by agreement, prescribe conditions for the admission to the mails of any of the articles prohibited by Article II of this Convention.

Article XIV.

This Convention shall take effect and operations thereunder shall begin on the first day of January, 1904, and shall continue in force until terminated by mutual agreement; but may be annulled at the desire of either Department, upon six months' previous notice given to the other.

Done in duplicate, and signed at Washington, the twenty-first day of November One thousand nine hundred and three.

(L.S.) (Signed) Arthur S. Raikes,
His Britannic Majesty's Chargé d'Affaires.

(L.S.) (Signed) Henry C. Payne,
Postmaster-General of the United States of America.

The foregoing Parcels-Post Convention between Hong Kong and the United States of America has been negotiated and concluded with my advice and consent, and is hereby approved and ratified. || In testimony

whereof, I have caused the Seal of the United States to be hereunto affixed, this 23rd day of November, 1903.

(Signed) Theodore Roosevelt.

By the President:

John Hay, Secretary of State.

Washington, November 23, 1903.



Nr. 13329. **VEREINIGTE STAATEN und SPANIEN.** — Abtretung der Inseln im Philippinischen Archipel an die Vereinigten Staaten, soweit sie im Friedensvertrag von 1899 noch nicht abgetreten sind.

Washington, 7. November 1900.

Whereas a Convention between the United States of America and Spain, providing for the cession to the United States of any and all islands of the Philippine Archipelago lying outside of the lines described in Article III of the Treaty of Peace concluded by them at Paris on December 10, 1898, was concluded and signed by their respective plenipotentiaries at the City of Washington on the seventh day of November, 1900, which Convention, being in the English and Spanish languages, is word for word as follows:

The United States of America and Her Majesty the Queen Regent of Spain, in the name of Her August Son, Don Alfonso XIII, desiring to remove any ground of misunderstanding growing out of the interpretation of Article III of the Treaty of Peace concluded between them at Paris the tenth day of December, one thousand eight hundred and ninety eihgt, whereby Spain cedes to the United States the archipelago known as the Philippine Islands and comprehending the islands lying within certain described lines, and having resolved to conclude a Treaty to accomplish that end, have for that purpose appointed as their respective plenipotentiaries: ‖ The President of the United States, John Hay, Secretary of State of the United States; ‖ and Her Majesty the Queen Regent of Spain, the Duke de Arcos, Envoy Extraordinary and Minister Plenipotentiary of Spain to the United States; ‖ who, having met in the city of Washington and having exchanged their full powers, which were found to be in due and proper form, have agreed upon the following sole article:

Sole Article.

Spain relinquishes to the United States all title and claim of title, which she may have had at the time of the conclusion of the Treaty of Peace of Paris, to any and all islands belonging to the Philippine Archipelago, lying outside the lines described in Article III of that Treaty and particularly to the islands of Cagayan Sulú and Sibutú and their dependencies, and agrees that all such islands shall be comprehended in the cession of the Archipelago as fully as if they had been expressly included within those lines. || The United States, in consideration of this relinquishment, will pay to Spain the sum of one hundred thousand dollars ($ 100 000) within six months after the exchange of the ratifications of the present Treaty. || The present Treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Majesty the Queen Regent of Spain, after approval by the Cortes of the Kingdom, and the ratifications shall be exchanged at Washington as soon as possible. || In faith whereof, we, the respective Plenipotentiaries, have signed this Treaty and have hereunto affixed our seals. || Done in duplicate at the city of Washington, the 7th day of November, in the year of Our Lord one thousand nine hundred.

[seal] John Hay.
[seal] Arcos.

Nr. 13330. **VEREINIGTE STAATEN und SPANIEN.** — Freundschaftsvertrag.

Treaty

of friendship and general relations between the United States of America and Spain.

Madrid, 3. Juli 1902.

The United States of America and His Catholic Majesty the King of Spain, desiring to consolidate on a permanent basis the friendship and good correspendence which happily prevail between the two Parties, have determined to sign a Treaty of Friendship and General Relations, the stipulations whereof may be productive of mutual advantage and reciprocal utility to both Nations, and have named with this intention: || The President of the United States of America, Bellamy Storer, a citizen of the United States, and their Envoy Extraordinary and Minister Plenipotentiary to His Catholic Majesty; And His Catholic Majesty the King of Spain, Don Juan Manuel Sanchez y Gutierrez de Castro, Duke of Almodóvar del Rio, Marquis of Puebla de los Infantes, Grandee of Spain,

His Most Catholic Majesty's Chamberlain, Knight Professed of the Order of Alcántara, Knight Grand Cross of the Royal Order of Ysabela the Catholic, of the Legion of Honor, of the Red Eagle of Prussia, etc., etc., etc., His Minister of State; || Who having communicated to each other their Full Powers, found to be in good and due form, have agreed upon and concluded the following articles:

Article I.

There shall be a firm and inviolable peace and sincere friendship between the United States and its citizens on the one part, an His Catholic Majesty and the Spanish Nation on the other part, without exception of persons or places under their respective dominion.

Article II.

There shall be a full, entire and reciprocal liberty of commerce and navigation between the citizens and subjects of the two High Contracting Parties, who shall have reciprocally the right, on conforming to the laws of the country, to enter, travel and reside in all parts of their respective territories, saving always the right of expulsion which each Government reserves to itself, and they shall enjoy in this respect, for the protection of their persons and their property, the same treatment and the same rights as the citizens or subjects of the country or the citizens or subjects of the most favored Nation. || They can freely exercise their industry or their business, as well wholesale as retail, without being subjected as to their persons or their property, to any taxes, general or local, imposts or conditions whatsoever, other or more onerous than those which are imposed or may be imposed upon the citizens or subjects of the country or the citizens or subjects of the most favored Nation. || It is, however, understood that these provisions are not intended to annul or prevent, or constitute any exception from the laws, ordinances and special regulations respecting taxation, commerce, health, police, and public security, in force or hereafter made in the respective countries and applying to foreigners in general.

Article III.

Where, on the death of any person holding real property (or property not personal), within the territories of one of the Contracting Parties, such real property would, by the laws of the land, pass to a citizen or subject of the other, were he not disqualified by the laws of the country where such real property is situated, such citizen or subject shall be allowed a term of three years in which to sell the same, this term to be

reasonably prolonged if circumstances render it necessary, and to withdraw the proceeds thereof, without restraint or interference, and exempt from any succesion, probate or administrative duties or charges other than those which may be imposed in like cases upon the citizens or subjects of the country from which such proceeds may be drawn. || The citizens or subjects of each of the Contracting Parties shall have full power to dispose of their personal property within the territories of the other, by testament, donation, or otherwise; and their heirs, legatees, and donees, being citizens or subjects of the other Contracting Party, whether resident or non-resident, shall succeed to their said personal property, and may take possession thereof either by themselves or by others acting for them, and dispose of the same at their pleasure, paying such duties only as the citizens or subjects of the country where the property lies, shall be liable to pay in like cases. || In the event that the United States should grant to the citizens or subjects of a third Power the right to possess and preserve real estate in all the States, territories and dominions of the Union, Spanish subjects shall enjoy the same rights; and, in that case only, reciprocally, the citizens of the United States shall also enjoy the same rights in Spanish Dominions.

Article IV.

The citizens or subjects of each of the two High Contracting Parties shall enjoy in the territories of the other the right to exercise their worship, and also the right to bury their respective countrymen according to their religious customs in such suitable and convenient places as may be established and maintained for that purpose, subject to the Constitution, Laws and Regulations of the respective countries.

Article V.

The citizens or subjects of each of the High Contracting Parties shall be exempt in the territories of the other from all compulsory military service, by land or sea, and from all pecuniary contributions in lieu of such, as well as from all obligatory official functions whatsoever. Furthermore, their vessels or effects shall not be liable to any seizure or detention for any public use without a sufficient compensation, which, if practicable, shall be agreed upon in advance.

Article VI.

The citizens or subjects of each of the two High Contracting Parties shall have free access to the Courts of the other, on conforming to the

laws regulating the matter, as well for the prosecution as for the defense of their rights, in all the degrees of jurisdiction established by law. They can be represented by lawyers, and they shall enjoy, in this respect and in what concerns arrest of persons, seizure of property and domiziliary visits to their houses, manufactories, stores, warehouses, etc., the same rights and the same advantages which are or shall be granted to the citizens or subjects of the most favored Nation.

Article VII.

No higher or other duties of tonnage, pilotage, loading, unloading, lighthouse, quarantine or other similar or corresponding duties whatsoever, levied in the name or for the profit of the Government, public functionaries, private individuals, corporations or establishments of any kind shall be imposed in the ports of the territories of either country than those imposed in the like cases on national vessels in general or vessels of the most favored Nation. Such equality of treatment shall apply reciprocally, to the respective vessels from whatever port or place they may arrive and whatever may be their place of destination, except as hereinafter provided in Article IX of this Convention.

Article VIII.

All the articles which are or may be legally imported from foreign countries into ports of the United States, in United States' vessels, may likewise be imported into those ports in Spanish vessels, without being liable to any other or higher duties or charges whatsoever than if such articles were imported in United States vessels; and, reciprocally, all articles which are or may be legally imported from foreign countries into the ports of Spain, in Spanish vessels, may likewise be imported into these ports in United States' vessels without being liable to any other or higher duties or charges whatsoever than if such were imported from foreign countries in Spanish vessels. || In the same manner there shall be perfect equality of treatment in regard to exportation to foreign countries, so that the same export duties shall be paid and the same bounties and drawbacks allowed in the territories of either of the High Contracting Parties on the exportation to foreign countries of any article which is or may be legally exported from the said territories, whether such exportation shall take place in United States or in Spanish vessels, and whatever may be the place of destination, whether a port of either of the Contracting Parties or of any third Power. || It is, however, understood that neither this article nor any other of the articles of the present

Convention shall in any way affect the special treaty stipulations which exist or may hereafter exist with regard to the commercial relations between Spain and the Philippine Islands.

Article IX.

The coasting trade of both the High Contracting Parties is excepted from the provisions of the present Treaty, and shall be regulated according to the Laws, Ordinances and Regulations of the United States and Spain respectively. || Vessels of either country shall be permitted to discharge part of their cargoes at any port open to foreign commerce in the territory of either of the High Contracting Parties, and to proceed with the remainder of their cargo to any other port or ports of the same territory open to foreign commerce, without paying other or higher tonnage dues or port charges in such cases than would be paid by national vessels in like circumstances and they shall be permitted to load in like manner at different ports in the same voyage outward.

Article X.

In cases of shipwreck, damages at sea, or forced putting in, each party shall afford to the vessels of the other, whether belonging to the State or to individuals, the same assistance and protection and the same immunities which would have been granted to its own vessels in similar cases.

Article XI.

All vessels sailing under the flag of the United States, and furnished with such papers as their laws require, shall be regarded in Spain as United States vessels, and reciprocally, all vessels sailing under the flag of Spain and furnished with the papers which the laws of Spain require, shall be regarded in the United States as Spanish vessels.

Article XII.

The High Contracting Parties desiring to avoid all inequality in their public communications and official intercourse agree to grant to the Envoys, Ambassadors, Ministers, Chargés d'affaires and other diplomatic agents of each other, the same favors, privileges, immunities and exemptions which are granted or shall be granted to the agents of the most favored Nation, it being understood that the favors, privileges, immunities and exemptions granted by the one party to the Envoys, Ambassadors, Ministers, Chargés d'affaires, or any other diplomatic agents of the other party or

to those of any other Nation, shall be reciprocally granted and extended to those of the other High Contracting Party.

Article XIII.

Each of the High Contracting Parties pledges itself to admit the Consuls-General, Consuls, Vice-Consuls and Consular Agents of the other in all its ports, places and cities, except where it may not be convenient to recognize such functionaries. || This reservation, however, shall not be applied by one of the High Contracting Parties to the other unless in like manner applied to all other Powers.

Article XIV.

Consular officers shall receive, after presenting their commissions, and according to the formalities established in the respective countries, the exequatur required for the exercise of their functions, which shall be furnished to them free of cost; and on presentation of this document, they shall be admitted to the enjoyment of the rights, privileges and immunities granted to them by this Treaty. || The Government granting the exequatur shall be at liberty to withdraw the same on stating the reasons for which it has thought proper so to do. Notice shall be given, on producing the commission, of the extent of the district allotted to the consular officer, and subsequently of the changes that may be made in this district.

Article XV.

All consular officers, citizens or subjects of the country which has appointed them, shall be exempted from military billetings and contributions, and shall enjoy personal immunity from arrest or imprisonment, except for acts constituting crimes or misdemeanors by the laws of the country to which they are commissioned. They shall also be exempt from all National, State, Provincial and Municipal taxes except on real estate situated in, or capital invested in the country to which they are commissioned. If, however, they are engaged in professional business, trade, manufacture or commerce, they shall not enjoy such exemption from taxes, but shall be subject to the same taxes as are paid under similar circumstances by foreigners of the most favored Nation, and shall not be entitled to plead their consular privilege to avoid professional or commercial liabilities.

Article XVI.

If the testimony of a consular officer, who is a citizen or subject of the State by which he was appointed, and who is not engaged in business,

is needed before the Courts of either country, he shall be invited in writing to appear in Court, and if unable to do so, his testimony shall be requested in writing, or be taken orally at his dwelling or office. || To obtain the testimony of such consular officer before the Courts of the country where he may exercise his functions, the interested party in civil cases, or the accused in criminal cases, shall apply to the competent judge, who shall invite the consular officer in the manner prescribed above, to give his testimony. || It shall be the duty of said consular officer to comply with this request, without any delay which can be avoided. Nothing in the foregoing part of this article, however, shall be construed to conflict with the provisions of the sixth article of the amendments to the Constitution of the United States, or with like provisions in the Constitutions of the Several States, whereby the right is secured to persons charged with crimes, to obtain witnesses in their favor, and to be confronted with the witnesses against them.

Article XVII.

Consuls-General, Consuls, Vice-Consuls, and Consular Agents may place over the outer door of their office the arms of their Nation with this inscription „Consulate“, „Vice-Consulate“. or „Consular Agency of the United States“ or „Spain“. || They may also hoist the flag of their country over the house in which the Consular Office is, provided they do not reside in the Capital in which the Legation of their country is established; and also upon any vessel employed by them in port in the discharge of their official duties.

Article XVIII.

The consular offices and archives shall be at all times inviolable. The local authorities shall not be allowed to enter such offices under any pretext, nor shall they in any case examine or take possession of the official papers therein deposited. These offices, however, shall never serve as place of asylum. || When the consular officer is engaged in trade, professional business or manufacture, the papers and archives relating to the business of the Consulate must be kept separate and apart from all others.

Article XIX.

In case of death, incapacity or absence of the Consuls-General, Consuls, Vice-Consuls, and Consular Agents, their respective Chancellors or Secretaries whose official character shall have been previously made known to the Department of State at Washington or the Ministry of State in

Spain, shall be permitted to discharge their functions *ad interim*, and they shall enjoy, while thus acting, the same rights, privileges and immunities as the officers whose places they fill, under the same conditions prescribed in the case of these officers.

Article XX.

Consuls-General and Consuls may, so far as the laws of their country allow, with the approbation of their respective Governments, appoint Vice-Consuls and Consular Agents in the cities, ports and places within their consular jurisdiction. These Agents may be selected from among citizens of the United States or among subjects of Spain or those of other countries. They shall be furnished with a regular commission and shall enjoy the privileges, rights and immunities stipulated for consular officers in this Convention, subject to the exceptions specified in articles XV and XVI.

Article XXI.

The Consuls-General, Consuls, Vice-Consuls and Consular Agents of the two High Contracting Parties, shall have the right to address the authorities of the respective countries, national or local, judicial or executive, within the extent of their respective consular districts, for the purpose of complaining of any infraction of the treaties or conventions existing between the two countries, or for purposes of information, or for the protection of the rights and interests of their countrymen, whom, if absent, such consular officers shall be presumed to represent. ‖ If such application shall not receive proper attention, such consular officers may, in the absence of the diplomatic agent of their country, apply directly to the Government of the country to which they are commissioned.

Article XXII.

Consuls-General, Consuls, Vice-Consuls, and Consular Agents of the respective countries or their deputies shall, as far as compatible with the laws of their own country, have the following powers: ‖ 1. To take at their offices, their private residence, at the residence of the parties concerned or on board ship, the depositions of the captains and crews of vessels of their own country and of passengers thereon, as well as the depositions of any citizen or subject of their own country. ‖ 2. To draw up, attest, certify and authenticate all unilateral acts, deeds, and testamentary dispositions of their countrymen, as well as all articles of agreement or contracts to which one or more of their countrymen are a party. ‖ 3. To draw up, attest, certify and authenticate all deeds or writ-

ten instruments which have for their object the conveyance or encumbrance of real or personal property situated in the territory of the country by which said consular officers are appointed, and all unilateral acts, deeds, testamentary dispositions, as well as articles of agreement or contracts relating to property situated, or business to be transacted, in the territory of the Nation by which the said consular officers are appointed; even in cases in where said unilateral acts, deeds, testamentary, dispositions, articles of agreement or contracts are executed solely by citizens or subjects of the country to which said consular officers are commissioned. || All such instruments and documents thus executed and all copies and translations thereof when duly authenticated by such Consul-General, Consul, Vice-Consul or Consular-Agent under his official seal, shall be received as evidence in the United States and in Spain, as original documents or authenticated copies as the case may be, and shall have the same force and effect as if drawn up by and executed before a notary or public officer duly authorized in the country by which said consular officer was appointed; provided always that they have been drawn and executed in conformity to the Laws and Regulations of the country where they are intended to take effect.

Article XXIII.

Consuls-General, Consuls, Vice-Consuls and Consular Agents shall have exclusive charge of the international order of the merchant vessels of their Nation and shall alone take cognizance of differences which may arise, either at sea or in port, between the captains, officers and crews without exception, particularly in reference to the adjustment of wages and the execution of contracts. In case any disorder should happen on board of vessels of either party in the territorial waters of the other, neither the Federal, State or Municipal Authorities in the United States, nor the Authorities or Courts in Spain, shall on any pretext interfere, except when the said disorders are of such a nature as to cause or be likely to cause a breach of the peace or serious trouble in the port or on shore, or when in such trouble or breach of the, peace a person or persons shall be implicated not forming a part of the crew. In any other case, said Federal, State or Municipal Authorities in the United States, or Authorities or Courts in Spain, shall not interfere, but shall render forcible aid to consular officers, when they may ask it, to search for, arrest and imprison all persons composing the crew, whom they may deem it necessary to confine. Those persons shall be arrested at the sole request of the Consul addressed in writing to either the Federal, State or Muni-

cipal Authorities in the United States, or the Authorities or Courts in Spain, and supported by an official extract from the register of the ship or the list of the crew, and the prisoners shall be held during the whole time of their stay in the port at the disposal of the consular officers. Their release shall be granted at the mere request of such officers made in writing. The expenses of the arrest and detention of those persons shall be paid by the consular officers.

Article XXIV.

The Consuls-General, Consuls, Vice-Consuls and Consular-Agents of the two countries may respectively cause to be arrested and sent on board or cause to be returned to their own country, such officers, seamen or other persons forming part of the crew of ships of war or merchant vessels of their Nation, who may have deserted in one of the ports of the other. || To this end they shall respectively address the competent national or local authorities in writing, and make request for the return of the deserter and furnish evidence by exhibiting the register, crew list or other official documents of the vessel, or a copy or extract therefrom, duly certified, that the persons claimed belonged to said ship's company. On such application being made, all assistance shall be furnished for the pursuit and arrest of such deserters, who shall even be detained and guarded in the gaols of the country pursuant to the requisition and at the expense pf the Consuls-Ceneral, Consuls, Vice-Consuls or Consular Agents, until they find an opportunity to send the deserters home. || If, however, no such opportunity shall be had for the space of three months from the day of the arrest, the deserters shall be set at liberty, and shall not again be arrested for the same cause. It is understood that persons who are citizens or subjects of the country within which the demand is made shall be exempted from the provisions of this article. || If the deserter shall have committed any crime or offence in the country within which he is found, he shall not be placed at the disposal of the Consul until after the proper Tribunal having jurisdiction in the case shall have pronounced sentence, and such sentence shall have been executed.

Article XXV.

In the absence of an agreement to the contrary between the owners, freighters and insurers, all damages suffered at sea by the vessels of the two countries, whether they enter port in the respective countries voluntarily, or are forced by stress of weather or other causes over which the officers have no control, shall be settled by the Consuls-General Con-

suls, Vice-Consuls and Consular Agents of the respective countries; in case, however, any citizen or subject of the country to which said consular officers are commissioned, or any subject of a third Power be interested and the parties cannot come to an amicable agreement, the competent local authorities shall decide.

Article XXVI.

In case of the death of a citizen or subject of one of the parties within the territories or dominion of the other, the competent local authorities shall give notice of the fact to the Consuls or Consular Agents of the Nation to which the deceased belongs, to the end that information may be at once transmitted to the parties interested.

Article XXVII.

The Consuls-General, Consuls, Vice-Consuls or Consular Agents of the respective High Contracting Parties shall have, under the laws of their country and the instructions and regulations of their own Government so far as compatible with local laws, the right of representing the absent, unknown or minor heirs, next of kin or legal representatives of the citizens or subjects of their country, who shall die within their consular jurisdiction; as well as those of their countrymen dying at sea whose property is brought within their consular district; and of appearing either personally or by delegate in their behalf in all proceedings relating to the settlement of their estate until such heirs or legal representatives shall themselves appear. || Until such appearance the said consular officers shall be permitted, so far as compatible with local laws, to perform all the duties prescribed by the laws of their country and the instructions and regulations of their own Government for the safe-guarding of the property and the settlement of the estate of their deceased countrymen. || In every case the effects and property of such deceased citizens or subjects shall be retained within the consular district for twelve calendar months by said Consuls-General, Consuls, Vice-Consuls or Consular Agents or by the legal representatives or heirs of the deceased during which time the creditors, if any, of the deceased shall have the right to present their claims and demands against the said effects and property, and all questions arising out of such claims or demands shall be decided by the local judicial authorities in accordance with the laws of the country to which said officers are commissioned.

Article XXVIII.

The Consuls-General, Consuls, Vice-Consuls and Consular Agents, as likewise the Consular Chancellors, Secretaries or Clerks of the High Con-

tracting Parties shall reciprocally enjoy in both countries all the rights, immunities and privileges which are or may hereafter be granted to the officers of the same grade of the most favored Nation.

Article XXIX.

All treaties, agreements, conventions and contracts between the United States and Spain prior to the Treaty of Paris shall be expressly abrogated and annulled, with the exception of the Treaty signed the seventeenth of February 1834 between the two countries, for the settlement of claims between the United States of America and the Government of His Catholic Majesty, which is continued in force by the present Convention.

Article XXX.

The present Treaty of Friendship and General Relations shall remain in full force and vigor for the term of ten years from the day of the exchange of ratifications. Notwithstanding the foregoing, if neither Party notifies to the other its intention of reforming any of, or all, the articles of this Treaty, or of terminating it twelve months before the expiration of the ten years stipulated above, the said Treaty shall continue binding on both Parties beyond the said ten years, until twelve months from the time that one of the Parties notifies its intention of proceeding to its reform or of terminating it.

Article XXXI.

The present Convention shall be ratified and the ratifications thereof shall be exchanged at the City of Madrid as soon as possible. || In witness whereof the respective Plenipotentiaries have signed the same and have affixed thereto the seal of their arms. || Done in duplicate at Madrid this third day of July in the year of Our Lord one thousand nine hundred and two.

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